RECORDS

VOL. 52

METROPOLITAN
DISTRICT
COMMISSION

JULY 26, 1990
TO
JUNE 27, 1991

Record of the Three Thousand Five Hundred and Thirty Fifth (3535th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, July 26, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Meetings held on June 21, June 28, and July 5, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P90-1573-C1A, dated July 26, 1990, with Brightway Corporation, for 1990 Parkway Landscape Improvements.

2. Third Amendment, dated July 26, 1990, to Contract-Agreement No. P82-1047-C1D, with Howard Needles Tammen and Bergendoff, for Reconstruction/ Rehabilitation of the Lynnway/Carroll Parkway and General Edwards Bridge.

The Secretary then submitted for signature the following paper:

3. Memorandum of Agreement with Congress Group Ventures, Inc., General Partner/North Federal Properties Limited Partnership, One Memorial Drive, Cambridge 02142, pursuant to the Chapter 91 license in connection with their development project at 15 Monsignor O'Brien Highway.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Soroka, July 11, recommending that the Commission amend its vote of July 5, 1990, relative to Revision in Quantities on certain items and inclusion of Item No. 7 on Extra Work Order No. 1, on Contract No. P90-1569-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin District, as follows:
Revision in Quantities -
Item No. 004-010 - From $5,000.00 To $6,210.00
Labor Rate for Electrician
Item No. 004-020 - From $2,500.00 To $3,105.00
Labor Rate for Serviceman
Item No. 004-030 - From $2,500.00 To $2,700.00
Labor Rate for Helper
Item No. 009-010 - From $ 256.00 To $ 176.00
Pedestrian Pushbutton and Signal
Item No. 010-010 - From $ 500.00 To $ 460.00
Traffic Signal Base Cement Concrete
Item No. 015-009 - From $ 53.00 To $ 175.00
Traffic Signal Cable 9 Conductor
Item No. 019-010 - From $5,000.00 To $2,983.00
Traffic Control Services
Extra Work Order No. 1
Include - Item No. 7 - $800.00
Removal of Concrete Barrier
(All Items at no additional cost to the Commission).
The Commission V O T E D: to amend its vote of July 5, 1990, relative to Revision in Quantities on certain items and inclusion of Item No. 7 on Extra Work Order No. 1, as recommended by Messrs. Faucher and Soroka in their report of July 11, 1990.

5. Report of Messrs. Faucher and Lespasio, July 13, recommending approval of an extension of time from May 31, 1990 to July 31, 1990, on Contract No. P82-1047-C2A, with John Mahoney Construction Company, Inc., for Rehabilitation of Lynnway/Carroll Parkway.
(At no additional obligation to the Commission).
The Commission V O T E D: to approve an extension of time from May 31, 1990 to July 31, 1990, as recommended by Messrs. Faucher and Lespasio in their report of July 13, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

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1. Report of Messrs. Faucher and Lespasio, July 6, recommending approval of the following revisions in quantities -

Item No. 83	Chain Link Fence R & R	- $ 1,995.00
Item No. 86	Concrete Sidewalks at Driveways	- $15,120.00
Item No. 88	Bituminous Concrete Sidewalks and Driveways	- $45,000.00
Item No. 91	Lawn Sodding	- $ 6,160.00
Item No. 92	Refertilization	- $ 196.00
Item No. 111	Daylily - 12" on Center	- $ 5,610.00

on Contract No. P82-1047-C2A, with John Mahoney Construction Company, Inc., for Rehabilitation of Lynnway/Carroll Parkway. (The cost of revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Lespasio in their report of July 6, 1990.

2. Report of Messrs. Faucher and Young, July 9, recommending approval of the following on Contract No. P77-0404-C2A, with Vigil Electric Co., for Street Lighting Modernization, Memorial Drive, Cambridge -
(a) That work be accepted as completed as of December 31, 1989.
(b) That Estimate No. 9 (Final) be approved and permission be granted to pay reserve in the amount of $33,306.38, which reflects a credit of $478.26.
Messrs. Faucher and Young further request ratification of the action of the Division in "Substitution of Materials" - plus 80 Rigid Non-Metallic Conduit Extra Heavy Wall EPC-80, for the specified Fiberglass Reinforced Epoxy (FRE) Conduit, resulting in a Credit to the Commission of $525.00.
(Basis of Award - $695,375.00)
(Total to Date - $675,692.00)
(Contract Administration Rating - 4.00)
(EEO Compliance - 4.60)
The Commission V O T E D: that the work of Vigil Electric Co., Contractor under Contract No. P77-0404-C2A, for Street Lighting Modernization, Memorial Drive, Cambridge, be and hereby is accepted as completed as of December 31, 1989.
The Commission further V O T E D: that Estimate No. 9 (Final) be approved and permission be granted to pay reserve in the amount of $33,306.38, which reflects a credit of $478.26.
The Commission further V O T E D: to ratify the action of the Division in "Substitution of Materials" - plus 80 Rigid Non-Metallic Conduit Extra Heavy Wall EPC-80, for the specified Fiberglass Reinforced Epoxy (FRE) Conduit, resulting in a Credit to the Commission of $525.00.

3. Report of Messrs. Faucher and Higgott, June 6, recommending approval of Extra Work Order No. 1, in the amount of $39,944.93, for relocation of 400' of water main, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair of Seawalls and Restoration of Pavilions and Bandstand - Revere Beach Reservation. Funds available in Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $39,944.93.

4. Report of Messrs. Faucher and Higgott, June 11, recommending approval of revisions in steel quantities, on the following items on Contract No. P78-0667-C1A, with J. F. White Contracting Company, for Amelia Earhart Dam, Navigational Locks and Flood Control Pumping Station -

Pay Item-17-1	Decrease of	$ 4,962.42
Pay Item-17-2	Increase of	$ 8,677.08
Pay Item-17-3	Decrease of	$10,620.89
Pay Item-17-4	Increase of	$15,080.80
Pay Item-17-5	Increase of	$ 3,347.75
Pay Item-17-A1	Decrease of	$19,927.80
Pay Item-17-A2	Increase of	$ 546.75
Pay Item-17-A3	Decrease of	$11,045.44
Pay Item-17-A4	Increase of	$15,080.80
Pay Item-17-A5	Decrease of	$16,751.00
Pay Item-17-B1	Increase of	$ 8,061.75

Pay Item-17-B2	Decrease of	$32,267.70
Pay Item-17-B3	Increase of	$15,218.00
Pay Item-17-B4	Increase of	$18,111.38
Pay Item-17-B5	Decrease of	$35,396.55
	Total Increase	$ 84,124.31
	Total Decrease	$130,971.80

For a Contract Adjustment Credit of - $ 46,847.49 to Account No. 2440-8886.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Higgott in their report of June 11, 1990.

1. Report of Messrs. Faucher and Higgott, July 11, recommending approval of the request of Linden Construction, Inc., Contractor on Contract No. P82-1079-C1A, for Repair of Seawalls and Restoration of Pavilions and Bandstand - Revere Beach Reservation to engage the services of Rev-Lyn Contracting Co., as sub-contractor to Drive Sheet Piling at stepped sea wall at a cost of $75,000.00.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Chan, July 10, recommending the following on Contract No. P78-0668-C1A, with R. J. Delmonico, Inc., for Reconstruction of Connell Field - Stony Brook Reservation, Boston, Massachusetts -
(a) That work be accepted as completed as of June 15, 1990.
(b) That Estimate No. 27 (Final), in the amount of $13,121.29, be approved for payment.
(c) That reserve, in the amount of $41,654.95, be approved for payment.
(Basis of Award - $1,964,933.00)
(Total to Date - $2,014,108.77)
(Contract Administration Rating - 3.57)
(EEO Compliance - 4.80)
Associate Commissioner Whelan noted that the Design Consultant for this Contract had previously acknowledged responsibility for underestimating the quantity of fill required for the project. He then questioned the status of the Commission's claim against the Consultant's errors and omissions insurance.
Mr. Baratta explained that the matter of the claim is still active and he is continuing to pursue reimbursement on behalf of the Commission.
The Commission V O T E D: that the work of R. J. Delmonico, Inc., Contractor under Contract No. P78-0668-C1A, for Reconstruction of Connell Field - Stony Brook Reservation, Boston, Massachusetts, be and hereby is accepted as completed as of June 15, 1990.
The Commission further V O T E D: to approve Estimate No. 27 (Final), in the amount of $13,121.29, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $41,654.95, for payment.

3. Report of Messrs. Faucher and Arinella, July 20, recommending the following on Contract No. P88-1507-M1A, with Barber-Coleman Marcucci, for Service and Maintenance to HVAC Systems at Charles River Locks and Dam, Charlestown -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 13 (Final), in the amount of $8,568.71, be approved for payment.
(c) That reserve, in the amount of $1,302.94, be approved for payment.
(Basis of Award - $36,564.00)
(Total to Date - $44,034.70)
(Contract Administration Rating - 3.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Barber-Coleman Marcucci, Contractor under Contract Number P88-1507-M1A, for Service and Maintenance to HVAC Systems at Charles River Locks and Dam, Charlestown, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 13 (Final), in the amount of $8,568.71, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,302.94, for payment.

1. Report of Messrs. Faucher and Jackson, July 13, recommending the following on Contract No. P89-1561-C2A, with Greenscape Land Design Inc., Cherry Tree Planting -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 1 (Final), in the amount of $9,276.75, be approved for payment.
(c) That reserve, in the amount of $488.25, be approved for payment.
(Basis of Award - $6,510.00)
(Total to Date - $9,765.00)
(Contract Administration Rating - 4.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Greenscape Land Design Inc., Contractor under Contract No. P89-1561-C2A, for Cherry Tree Planting, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $9,276.75, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $488.25, for payment.

2. Report of Messrs. Faucher and Arinella, July 18, recommending the following on Contract No. P88-1508-M1A, with Boston Service Co., Inc., for Service and Maintenance of HVAC Systems at the Franklin Park and Stone Memorial Zoos, Dorchester - Stoneham -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 14 (Final), in the amount of $4,009.00. be approved for payment.
(c) That reserve, in the amount of $2,532.00, be approved for payment.
(Basis of Award - $98,412.00)
(Total to Date - $89,520.83)
(Contract Administration Rating - 2.70)
(EEO Compliance - 2.50)
The Commission V O T E D: that the work of Boston Service Co., Inc., Contractor under Contract No. P88-1508-M1A, for Service and Maintenance of HVAC Systems at the Franklin Park and Stone Memorial Zoos, Dorchester - Stoneham, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 14 (Final), in the amount of $4,009.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,532.00, for payment.

3. Report of Messrs. Faucher and Abounaja, July 20, recommending the following on Contract No. P87-1475-C1A, with Sciaba Construction Corp., for Handicap Access for MDC Headquarters Building, 20 Somerset Street, Boston -
(a) That work be accepted as completed as of July 20, 1990.
(b) That Estimate No. 1 (Final), in the amount of $52,202.20, be approved for payment.
(c) That reserve, in the amount of $2,747.48, be approved for payment.
(Basis of Award - $52,200.00)
(Total to Date - $54,949.68)
(Contract Administration Rating - 2.57)
(EEO Compliance - 3.80)
The Commission V O T E D: that the work of Sciaba Construction Corp., Contractor under Contract No. P87-1475-C1A, for Handicap Access for MDC Headquarters Building, 20 Somerset Street, Boston, be and hereby is accepted as completed as of July 20, 1990.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $52,202.20, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $2,747.48, for payment.

4. Report of Messrs. Faucher and Mayhew, July 16, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1594-C1A,

Slope Protection Repairs, Pleasure Bay Causeway and Castle Island Park, South Boston, Massachusetts. Estimated Cost $900,000.00 - Account No. 2448-0000.
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Mayhew, July 18, recommending approval of the request of Bay State Contracting Co., Inc., Contractor on Contract No. P86-1393-C3A, for Rehabilitation of Rev. Romano Simoni and Louis E. Porrazzo Ice Skating Rinks, Cambridge - East Boston, that they be authorized as Roofing, Flashing, Sheetmetal and Insulation sub-contractor on Contract No. P86-1393-C3A, for Rehabilitation of Rev. Romano Simoni and Louis E. Porrazzo Ice Skating Rinks, Cambridge - East Boston.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Managment Division:

2. Report of Messrs. McGinn and O'Connor, July 9, on proposals for the purchase of forest products located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the only qualified bid, that of Prevost Forest Products, of $11,000.00; to purchase approximately 500 cords of pulp on Roadside Sale No. 33 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Prevost Forest Products, of $8,750.00; to purchase approximately 100,000 board feet of sawlogs on Roadside Sale No. 34 - Quabbin Reservoir Watershed.

3. Report of Messrs. McGinn and Kane, July 6, on bids for Repointing of Masonry Joints at Spillway Areas, Dam and Dike Parapet Walls, Winsor Dam, Ware, Massachusetts, Contract No. WM87-010-M1A. Account No. 2420-7880.
(Messrs. McGinn and Kane recommend acceptance of the only bid received, that of NER Construction Management, Inc., of $178,400.00).
The Commission V O T E D: to accept the only bid received, that of NER Construction Management, Inc., of $178,400.00.

Action was taken upon the following matters relating to the Reservations and Historic Sites Division:

4. Report of Mr. VanWart, July 16, requesting approval of a Contract-Agreement with the Environmental Intern Program, Northeast, for the services of interns to work with division staff. Total Compensation not to exceed $28,000.00. Time for Performance will be from date of execution through June 30, 1991. Account No. 2440-0010-03.
The Commission V O T E D: Approved as requested by Mr. VanWart in his report of July 16, 1990.

5. Report of Mr. VanWart, July 16, requesting approval of a Contract-Agreement with the Friends of Boston Harbor Islands, Inc., for the services of volunteers for Georges, Lovells and Peddocks Islands. Total Compensation not to exceed $5,700.00. Time for Performance will be from date of execution through June 30, 1991. Account No. 2440-0010-03.
Mr. VanWart explained that due to the fiscal constraints funding for this years Contract-Agreement was cut $1,800.00.
Associate Commissioner Jones noting the valuable assistance offered the Commission by the Friends of Boston Harbor Islands, asked that every effort be made by the Division to restore full funding for the Friends.
Commissioner Bhatti stated he would meet with staff concerning the possibility of restoring full funding.
Associate Commissioner Jones then moved that every effort be made to find additional funds to help maintain last years level of funding for the Friends. The motion was endorsed by the entire Commission.
The Commission V O T E D: Approved as requested by Mr. VanWart in his report of July 16, 1990.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, July 20, recommending that the supplemental relocation claim, of $6,779.66, submitted by Mr. Charles Bartoloni of Relocation Consultants, for the relocation of Signs by "J", be paid and that Commissioner Bhatti be authorized to approve and sign the payment form on behalf of the Commission.
Associate Commissioner Jones did not participate in discussion nor vote on this item.
The Commission V O T E D: Held Over.

2. At this point, the Commission unanimously adopted the following Resolution: It is with deep regret that the members of the Metropolitan District Commission are moved to record the death of Richard I. Furbush, former Secretary of the Metropolitan District Commission.
WHEREAS, Mr. Furbush rendered notable service during his 17 years of employment with the Commission. The affairs of the Commission claimed his interest and support even after his retirement.
THEREFORE, BE IT RESOLVED that the members of the Metropolitan District Commission record the passing of Richard I. Furbush and that this Resolution be spread upon the records of the Commission and sent to his beloved children, Richard I. Jr. and Jonathan D.

The following matters were placed on the agenda for the information of the Commission:

The following schedules were approved for payment by the Commissioner during the period from June 18, 1990 to June 25, 1990.

Expenditures	$523,286.68
Summer Youth	$ 950.44

The following schedules were approved for payment by the Commissioner during the period from June 25, 1990 to July 2, 1990.

Expenditures	$1,285.00
Summer Youth	$1,985.72

Adjourned at 11:20 a.m. to meet on Thursday, August 2, 1990 at 10:00 a.m.

William H Bulfinch
Secretary

Record of the Three Thousand Five Hundred and Thirty Sixth (3536th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 2, 1990 at 10:00 a.m.

The Records of the Meeting held on July 12, 1990, were read and approved.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

1. The Secretary submitted for signature the following paper.
Memorandum of Agreement, dated August 2, 1990, with Congress Group Ventures, Inc., General Partner/North Federal Properties Limited Partnership, One Memorial Drive, Cambridge, pursuant to the Chapter 91 license in connection with their development project at 15 Monsignor O'Brien Highway.
Associate Commissioner Scandrett noted that at the meeting of May 31, 1990, the Commission confirmed plans for the New Charles River Basin Esplanade Extension as set forth in a letter dated May 29, 1990 from Commissioner Bhatti to Dean F. Stratouly, President, North Federal Properties Limited Partnerships, Congress Group Ventures, Inc., General Partner. However, he stated, approval of the Memorandum of Agreement was not given by the Commission at that time. Therefore, he recommended that the Memorandum of Agreement be formally approved prior to the Commission executing the document.
At this point, Mrs. O'Brien explained that under terms of the Memorandum of Agreement, Congress Group Ventures, Inc., proposes to build rental apartments and a hotel in the Northpoint section of the City of Cambridge. She explained that the plan, which has received all environmental reviews and approvals, is consistent with City of Cambridge plans for the area as well as MDC plans for the new Charles River Basin Extension.
She then stated that the developer will be contributing to the MDC's parks extension under terms of a Chapter 91 License, required because the development is to be located on former public tidal lands, by reconstructing a seawall along Industrial Way and by contributing a parcel of land in the area to the Commission for park purposes.
The Memorandum of Agreement lays out the terms and conditions for the construction of the seawall of either granite or earth and the land transfer which will be incorporated into the Chapter 91 License. MDC staff is hopeful of achieving a granite seawall, she explained.
Associate Commissioner Jones raised concerns about the hazardous waste provisions incorporated into the Memorandum of Agreement. Mrs. O'Brien pointed out that land in the area of the seawall construction is owned by the MDC and, therefore, the Congress Group does not want the responsibility for removing any hazardous waste which may be found on the site.
Associate Commissioner Scandrett noting he was not at the Commission meeting of June 8, 1990, when the plan was discussed, asked if the Memorandum of Agreement is the same as the one which was negotiated following the meeting. Commissioner Bhatti said the objectives of that meeting were met and he was satisfied with the results of the Memorandum of Agreement.
Associate Commissioner Whelan questioned if the general public will have access to the proposed park and whether adequate parking will be available for the public. Mrs. O'Brien stated that the park will be constructed for public use, with parking provided.
Associate Commissioner Whelan once again expressed his concern regarding traffic impact the proposed apartment building and hotel will have on Monsignor O'Brien Highway, the Gilmore Bridge and local Boston and Cambridge streets. He also expressed concern regarding the size and height of the new structures.
Associate Commissioner Whelan noted that there was no provision in the Memorandum of Agreement limiting the time in which the developer has to commence work on the project. Mrs. O'Brien explained that the MEPA review is valid for five years and if the project is not undertaken within that time frame, further environmental work will be required. However, she was not certain if the same provision was included in the Chapter 91 License. Mr. Haglund investigated and found that the Chapter 91 License has a clause requiring completion of this type of project within five years, otherwise the License will expire.

Associate Commissioner Jones then asked that if the Memorandum of Agreement is approved that a termination clause of five years be included in the Memorandum of Agreement, thereby protecting the Commission's interest in the new development.
Associate Commissioner Jones asked if Mr. Wright felt that the Memorandum is as complete as possible in protecting the interests of the MDC. Mr. Wright responded in the affirmative.
Associate Commissioner Jones then questioned if the MDC is receiving as many benefits as possible from the developer. Mrs. O'Brien responded in the affirmative.
Associate Commissioner Jones then spoke of the land to be obtained from the Boston Edison and questioned if there are PCB's located on this property. Mrs. O'Brien noted that this is a separate issue from the Memorandum of Agreement and that the property is not critical to the development of the park. If there are problems, with the parcel, the Boston Edison Company will be responsible for hazardous waste cleanup prior to MDC involvement.
Associate Commissioner Jones noting that the public benefit to be donated by the developer will amount to one million dollars, asked if the work will be monitored by the Commission staff to insure that the final value of the work will be one million dollars. Mrs. O'Brien responded in the affirmative.
On the basis of representations made by Mr. Wright and Mrs. O'Brien concerning the Memorandum of Agreement, the Commission V O T E D: approval of the Memorandum of Agreement with the understanding that Article 3 - entitled - Developers Undertakings, beginning on Page 4, be modified in the last paragraph, on Page 5, by inserting therein the following language after the word Development, in line 12, thereof: "or if the Developer shall not commence construction within five years from the date hereof," and further V O T E D: that the first sentence of Paragraph (e), on Page 8, be modified to read as follows: "MDC shall be responsible and liable for all Hazardous Substance Work not performed by Developer in the seawall reconstruction area exclusively.
Associate Commissioner Jones stated that his vote for approval of the matter was contingent upon the condition that all commitments to the Commission are met by the developer prior to the start of the project.
The Secretary then submitted the Memorandum of Agreement which was signed by the four Associate Commissioners. Commissioner Bhatti will sign the document following approval of the Modifications by Congress Group Ventures, Inc.

The Secretary then submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract Number P90-1585-M1A, dated August 2, 1990, with Barber-Coleman Marcucci, Inc., for Servicing Heating, Ventilating and Air Conditioning Systems at Locks, Dams, Pump Houses and MDC Harbor Patrol Building.

2. Contract Number WM87-010-M1A, dated August 2, 1990, with NER Construction Management, Inc., for Repointing of Masonry Joints at Spillway Areas, Dam and Dike Parapet Walls, Winsor Dam, Ware, Massachusetts.

3. Contract-Agreement Number P87-1448-M1A, dated August 2, 1990, with CWB Associates, for Inspection and Testing of Concrete Bituminous, Soils, Paint, etc.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Chan, July 20, recommending approval of the following on Contract No. P90-1575-C1A, with Allied Weatherproofing Company, for Rehabilitation of the Filter Systems at the Connor Memorial Pool, Waltham -
   1. Revision in Quantities
      Item No. 001-010 - Cement Concrete Removal - $17,700.00
      Item No. 002-010 - Concrete, Complete in Place - $ 9,000.00
      at an additional cost of $26,700.00.
      Account No. 2440-7885.

2. An extension of time from June 30, 1990 to August 30, 1990.
The Commission V O T E D: to approve the revision in quantities as recommended by Messrs. Faucher and O'Connor in their report of July 20, 1990.
The Commission further V O T E D: to approve an extension of time from June 30, 1990 to August 30, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and O'Connor, July 13, recommending the following on Contract No. P88-1525-M1A, with Unique Applications, Inc., for Tile and Miscellaneous Washing at Various Locations with the MDC Parks -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 11 (Final), in the amount of $2,333.20, be approved for payment.
(c) That reserve, in the amount of $982.30, be approved for payment.
(Basis of Award - $44,900.00)
(Total to Date - $38,395.00)
(Contract Administration Rating - 4.70)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Unique Applications, Inc., Contractor under Contract No. P88-1525-M1A, for Tile and Miscellaneous Washing at Various Locations with the MDC Parks, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 11 (Final), in the amount of $2,333.20, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $982.30, for payment.

2. Report of Messrs. Faucher and Chan, July 24, recommending approval of the following on Contract No. P88-1511-C2A, with ClearAir Control Corp., for Asbestos Abatement of Various MDC Facilities -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 2 (Final), in the amount of $41,578.06, be approved for payment.
(c) That reserve, in the amount of $9,957.77, be approved for payment.
(Basis of Award - $200,000.00)
(Total to Date - $199,155.28)
(Contract Administration Rating - 4.14)
(EEO Compliance - 5.00)
The Commission V O T E D: that the work of ClearAir Control Corp., Contractor under Contract No. P88-1511-C2A, for Asbestos Abatement of Various MDC Facilities, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $41,578.06, for payment.
The Commission further V O T E D: to approve release of reserve in the amount of $9,957.77, for payment.

3. Report of Messrs. Faucher and McCalla, July 19, recommending approval of the following on Contract No. P88-1506-M1A, with Coviello Electric & General Contracting Company, for Electronic and Sound System Maintenance and Repair work, Various Areas of the M.D.C.
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 24 (Final), in the amount of $26,076.23, be approved for payment.
(c) That reserve, in the amount of $5,917.58, be approved for payment.
(Basis of Award - $324,586.00)
(Total to Date - $255,712.03)
(Contract Administration Rating - 3.71)
(EEO Compliance - 4.25)
The Commission V O T E D: that the work of Coviello Electric & General Contracting Company, Contractor under Contract No. P88-1506-M1A, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 24

(Final), in the amount of $26,076.23, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,917.58, for payment.

1. Report of Messrs. Faucher and Machado, July 25, recommending approval of the following on Contract No. P79-0596-C1A, with John McCourt Company, for Rehabilitation of Veterans of Foreign Wars Parkway, Boston and Brookline, Massachusetts -
(a) That work be accepted as completed as of May 27, 1990.
(b) That Estimate No. 17 (Final), in the amount of $132,062.40, be approved for payment.
(c) That reserve, in the amount of $116,249.97, be approved for payment.
(Basis of Award - $7,659,380.00)
(Total to Date - $7,771,792.58)
(Contract Administration Rating - 4.50)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of John McCourt Company, Contractor under Contract No. P79-0596-C1A, for Rehabilitation of Veterans of Foreign Wars Parkway, Boston and Brookline, Massachusetts, be and hereby is accepted as completed as of May 27, 1990.
The Commission further V O T E D: to approve Estimate No. 17 (Final), in the amount of $132,062.40, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $116,249.97, for payment.

2. Report of Mr. Faucher and Ms. Peterson, July 25, recommending approval of the following on Contract No. P82-1051-C2A, with Goudreau Corporation, for the Emergency Contract for Repairs to Craigie Drawbridge -
(a) That work be accepted as completed as of June 15, 1990.
(b) That Estimate No. 7 (Final), in the amount of $22,477.47, be approved for payment.
(c) That reserve, in the amount of $17,946.04, be approved for payment.
(Basis of Award - $344,050.00)
(Total to Date - $358,920.47)
(Contract Administration Rating - 3.00)
(EEO Compliance - 3.20)
The Commission V O T E D: that the work of Goudreau Corporation, Contractor under Contract No. P82-1051-C2A, for Emergency Contract for Repairs to Craigie Drawbridge, be and hereby is accepted as completed as of June 15, 1990.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $22,477.47, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $17,946.04, for payment.

3. Report of Mr. Faucher and Ms. Peterson, July 24, recommending the following on Contract-Agreement No. P82-1139-S2A, with Barnes and Jarnis, Inc., for Engineering Services to Determine Live Load Carrying Capacity or Rating and Recommendations for Improvements of Bridges Under Commission Jurisdiction -
1. A transfer of $8,408.11 from Task II.1.1 (Field Inspection and Rating Reports) to Task II.2 (Related Services).
2. An increase in the sub-consultant services of Simpson, Gumpertz and Hager, Inc., from $23,500.00 to an amount not-to-exceed $27,000.00.
(At no increase in obligation to the Commission).
The Commission V O T E D: to approve a transfer of $8,408.11 from Task II.1.1 (Field Inspection and Rating Reports) to Task II.2 (Related Services).
The Commission further V O T E D: to approve an increase in the sub-consultant services of Simpson, Gumpertz and Hager, Inc., from $23,500.00 to an amount not-to-exceed $27,000.00, as recommended by Mr. Faucher and Ms. Peterson in their report of July 24, 1990.

Action was taken upon the following Various Matter:

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1. Report of Mr. Traficante, July 3, requesting approval of a Contract-Agreement for a Records Manager to be employed under the direction of the Office of Administrative and Industrial Standards. Total Compensation of $32,630.00, which includes $500.00 for reimbursable expenses. Time of Performance 12 months. Account No. to be determined.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Police Division:

2. Report of Deputy Superintendent Burke, July 25, requesting approval of a Tenancy-at-Will for Temporary helicopter hangar space owned by Jet Aviation/Boston, at Hanscom Field Bedford, Massachusetts. The cost for the Fiscal Year ending June 30, 1990 was $12,500.00. Account No. 2440-0015-16.
(The approval to remain in effect until a lease is awarded by DCPO).
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of Real Property:

3. Report of Mrs. Anderson, July 20, recommending that the supplemental relocation claim, of $6,779.66, submitted by Mr. Charles Bartoloni of Relocation Consultants, for the relocation of Signs by "J", be paid and that Commissioner Bhatti be authorized to approve and sign the payment form on behalf of the Commission.
Mrs. Anderson provided samples of various invoices, letterheads and stationary used by Signs by "J" which became obsolete due to the firms change of address resulting in the additional claim.
Following a lengthy discussion, the Commission V O T E D: to Hold Over the item pending receipt of further information.
Associate Commissioner Jones did not participate in discussion nor vote on this item.

4. At this point, Dennis Kane, Director of Engineering and Construction for the Watershed Management Division, briefed the Commission on the status of Contract No. WM91-100-C1A, Replacement of Underground Fuel Storage Tanks.
He noted that there will be two weeks in August when there will be no Commission meetings. Therefore, the Division wished to advise the Commission ahead of time of possible revisions to the contract. He then requested prior permission from the Commission to undertake the revisions during the two week period, followed later by the required documentation, so that there will be no delays in the project.
The Commission thanked Mr. Kane for informing them ahead of time of possible changes. The Commission then authorized Mr. Kane, and the Division of Watershed Managment, to take what ever actions necessary to complete the project and to return to the Commission for approval of any necessary revisions.

The following matter was placed on the agenda for the information of the Commission:

5. The following schedules were approved for payment by the Commissioner during the period from July 2, 1990 to July 9, 1990.

Expenditures	$3,447,540.31
Summer Youth	$ 1,280.37

Adjourned at 2:55 p.m. to meet on Thursday, August 9, 1990 at 10:00 a.m.

William F. Cash
Secretary

Record of the Three Thousand Five Hundred and Thirty Seventh (3537th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 9, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Meeting held on July 26, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Fourth Amendment, dated August 9, 1990, to Contract-Agreement No. P82-1047-D1E, with Howard Needles Tammen & Bergendoff, for Design Work on the Reconstruction/Rehabilitation of the Lynnway and General Edwards Bridge.

2. Contract-Agreement No. WM89-014-D1A, dated August 9, 1990, with GEI Consultants, Inc., for Developing an Emergency Action Plan for the Wachusett Dam, Clinton, Massachusetts.

3. Contract No. P90-1584-C1A, with American Artesian Well Co., Inc., for Testing and Installation of Permanent Ground Well System at Trailside Museum.

The Secretary then submitted for signature the following paper:

4. Contract-Agreement with Daniel F. Coughlin, Certified Public Accountant, to Analyze all Contractor's Financial Statements.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Giella, August 3, on request of Mass Site Developers, Inc., Contractor on Contract No. P88-1549-C1A, Construction of River Street Park, Wellesley, for approval of the following sub-contractors -

	I. W. Harding Construction Co.	
Item 006-010	- Red Maple	- $5,600.00
Item 006-020	- Thornless Hawthorne	- $ 500.00
Item 006-030	- Sycamore	- $1,400.00
Item 006-040	- Pin Oak	- $4,200.00
Item 006-050	- Weeping Willow	- $2,400.00
	Sylvia Fee Associates	
Item 005-030	- Lawn Sodding	- $8,500.00
	Fences By Baker, Inc.	
Item 001-030	- Guardrail Removed and Discarded	- $ 280.00
Item 004-010	- Treated Wood Guardrail	- $7,820.00
Item 004-030	- Park Benches	- $3,500.00
Item 004-040	- Picnic Table Sets	- $4,500.00
	New England Tree Service	
Item 001-040	- Clearing and Grubbing	- $1,000.00
Item 001-050	- Selective Clearing and Pruning	- $1,000.00

at a total cost of $30,700.00.
The Commission V O T E D: Approved as requested by Messrs. Faucher and Giella in their report of August 3, 1990.

6. Report of Messrs. Faucher and Okeke, August 1, recommending approval of an extension of time from August 13, 1990 to September 13, 1990, on Contract No. P90-1578-C1A, with Carl Louis and Company Inc., for Critical Repairs to Skating Rinks at Various MDC Locations.
The Commission V O T E D: to approve an extension of time, from August 13, 1990 to September 13, 1990, as recommended by Messrs. Faucher and Okeke in their report of August 1, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

7. Report of Messrs. Faucher and McCalla, July 27, recommending approval of the following on Contract No. P88-1505-M1A, with Aerial Electric Inc., for Electrical Maintenance Work at Sports

Facilities and Recreational Areas of the MDC -
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 23 (Final), in the amount of $2,318.83, be approved for payment.
(c) That reserve, in the amount of $1,645.44, be approved for payment.
(Basis of Award - $318,700.00)
(Total to Date - $153,798.44)
(Contract Administration Rating - 2.86)
(EEO Compliance - 3.75)
The Commission questioned the disparity in the Contract EEO Evaluation submitted by the Engineering Division and the EEO Evaluation submitted by the EEO/AA Office. It was pointed out that different criteria is used for the evaluations.
Mr. Brooks was asked to relay the Commission's concerns regarding the low evaluations to the Contractor.
The Commission V O T E D: that the work of Aerial Electric Inc., Contractor under Contract No. P88-1505-M1A, for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the MDC, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 23 (Final), in the amount of $2,318.83.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,645.44, for payment.

1. Report of Messrs. Faucher and DeLuca, July 26, recommending the following on Contract No. P89-1551-M1A, with Allied Weather-proofing Co., Inc., for Servicing Filtration and Sterilization Systems for Swimming Pools in the Metro Parks System -
(a) That work be accepted as completed as of May 31, 1990.
(b) That Estimate No. 3 (Final), in the amount of $12,513.88, be approved for payment.
(c) That reserve, in the amount of $5,953.40, be approved for payment.
(Basis of Award - $278,430.00)
(Total to Date - $208,067.93)
(Contract Administration Rating - 2.41)
(EEO Compliance - 2.00)
The Commission took note of the low Contract Administration and EEO Compliance Rating of the Contractor. It was pointed out that the ratings were given primarily for management practices of the Company which also resulted in late submittal of necessary paper work to the Division.
Mr. Brooks was asked to relay the Commission's concerns to appropriate officials of Allied Weatherproofing Co., Inc.
The Commission V O T E D: that the work of Allied Weather-proofing Co., Inc., Contractor under Contract No. P89-1551-M1A, be and hereby is accepted as completed as of May 31, 1990.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $12,513.88, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,953.40, for payment.

Action was taken upon the following matter relating to the Office of Landscape Architect:

2. Report of Mr. Jackson and Ms. Zilligen, August 1, requesting approval of a modification of the scope of services and ratification of the Commission vote of November 9, 1989 in which an extension of time from September 11, 1989 to December 11, 1992 was approved, on Contract-Agreement No. P82-1034-D1A, with the Halverson Company, Inc., for Rehabilitation of Beaver Brook Reservation.
(The fee will remain at a not-to-exceed amount of $108,000.00).
Associate Commissioner Scandrett questioned the reason for the modification of the scope of services.
Mr. Jackson responded that due to a 14 month delay, caused by fiscal constraints, it became necessary to modify the scope in order to complete the project with limited funds.
Associate Commissioner Scandrett then asked if the Contract

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Administration had reviewed and approved the change. Mr. Jackson responded in the affirmative.
Associate Commissioner Scandrett requested that the Contract Administrator submit for Commission files, a memo indicating that he has reviewed and approves the change in scope of services.
The Commission V O T E D: Approved as requested by Mr. Jackson and Ms. Zilligen in their report of August 1, 1990.

Action was taken upon the following matter relating to the Office of Contract Administration:

1. Report of Mr. Jewett, August 3, requesting that the Commission rescind its vote of August 10, 1989 awarding a Permit for Gift Shop and Food Concessions at Franklin Park Zoo and Walter D. Stone Memorial Zoo to WesCo Concessions, Inc., and further requesting authority for the Concession Selection Committee to publicly advertise for new proposals to operate the concessions at the both zoo locations.
At this point, Mr. Wright requested that the Secretary read the following memorandum submitted to the Commission by Mr. Jewett, dated August 9, 1990, which outlines the developments leading to the recommendation that the Commission rescind its vote of August 10, 1989, awarding the concession permit for Franklin Park Zoo and Walter D. Stone Memorial Zoo:
'The Commission, at its meeting of May 10, 1989, voted that negotiations with WesCo Concessions, for the above referenced concessions, be reopened for the purpose of resolving an impasse between WesCo and the Commission's staff in achieving a permit agreement acceptable by both parties.
The Commissioner appointed a committee to meet with WesCo and negotiate agreeable terms and conditions to provide for concession operations at both zoo locations.
The Committee met diligently with WesCo six times (with one additional meeting cancelled by WesCo) between May 10, 1990 and July 9, 1990 and appeared to be making considerable progress on most non-compensation issues. There were still one or two non-compensation issues to be addressed and agreed upon by the parties before moving the negotiations into the compensation issues.
However, just prior to this point in the negotiations and immediately following the last meeting (July 9, 1990), a summons was served upon the Commission on July 10, 1990 that informed them that a complaint had been filed in Suffolk Superior Court by WesCo on July 5, 1990 and that WesCo was bringing a lawsuit against the Commission for damages, etc.
The summons and attached complaint were immediately referred to the Department of the Attorney General through the Commission's General Counsel for their information and representation of the Commission on this matter.
WesCo was contacted after the service of the summons and advised that any further negotiations of a permit agreement could only take place if they completely withdrew their complaint. They were also advised that they could withdraw without prejudice. They refused to consider any withdrawal'.
At this point, Messrs. James and Juan Cofield appeared before the Commission and spoke of the negotiations with the special Committee appointed by Commissioner Bhatti. The Cofields stated that they did not feel that the negotiations had reached an impasse. Mr. Byrne then responded that the negotiations, with the exception of compensation were close to completion on July 9, 1990. However, the Commission was served with the summons indicating that a complaint was filed in Suffolk Superior Court by WesCo on July 5, 1990 and that WesCo was bringing a lawsuit against the Commission for damages. WesCo, he noted, refused to withdraw the complaint.
Following a lengthy discussion, the Commission V O T E D: to rescind its vote of August 10, 1989 in which WesCo Concessions, Inc., was awarded a three year permit for Concessions at Walter D. Stone Zoo and Franklin Park Zoo.
Associate Commissioner Jones did not participate in discussion nor vote on rescinding the vote of August 10, 1990.
The Commission further V O T E D: to authorize the Concession Selection Committee to publicly advertise for new proposals to

operate food and gift concession at both Zoos or each Zoo on an individual basis.
(The Commission then asked that those individuals who are chosen to be interviewed by the Concession Selection Committee for award of a new permit be informed that litigation is pending against the MDC by WesCo Concession, Inc.).

Action was taken upon the following Various Matters:

1. Report of Mr. Traficante, July 3, requesting approval of a Contract-Agreement for a Records Manager to be employed under the direction of the Office of Administrative and Industrial Standards. Total Compensation of $32,630.00, which includes $500.00 for reimbursable expenses. Time of Performance 12 months. Account No. 2440-0010.
Mr. Traficante spoke of the need for a Records Manager within the structure of the MDC. He then stated that if a continuation of the Federal Funding is granted by the National Historic Publications and Records Commission, the State Funded Contract Agreement will be cancelled. He then noted a possibility exists for public financing of the Contract.
The Commission V O T E D: approval with the understanding that Mr. Traficante will continue to seek outside sources of funding for the Records Manager position.

2. Report of Mr. Traficante, August 8, requesting that the Commission rescind its vote of June 7, 1990 extending the time of performance on Contract-Agreement with Robin Clark, as Archival Assistant, with total compensation of $3,300.00, from June 30, 1990 to October 31, 1990. Also requesting that the Commission amend its vote of June 7, 1990, authorizing a Contract-Agreement with Paula Shinnick as Archival Assistant for one day a week, during the months of July and August, with Compensation not to exceed $630.00, to read: to an amount not to exceed $1,400.00 for the period from July 1, 1990 to October 31, 1990.
(Funding to be provided through a grant from the National Historic Publications and Records Commission).
The Commission V O T E D: Approved as requested by Mr. Traficante in his report of August 8, 1990.

3. Report of Mr. Wright, August 3, submitting for approval and signature a Joint Jurisdiction Agreement between the Metropolitan District Commission and the Town of Hull for Joint Police Protection of specific areas within the Town.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Jurisdiction Agreement, dated August 9, 1990, between the Metropolitan District Commission and the Town of Hull for Joint Police Protection of specific areas within the Town, which was signed by the Commissioner and two Associate Commissioners.

4. Contract-Agreement No. WM86-004-S1B - Phase II, with Camp, Dresser & McKee, Inc., for Investigation of Three Water Supply Dams in Framingham/Sudbury.
This Contract-Agreement was executed by the Commission on (September 15, 1988 - with total compensation of $148,331.00. However, it was never implemented due to an almost two year delay in authorization to proceed).
It is now requested that the Commission execute a new Contract-Agreement for this work with an increase in total compensation to $175,000.00).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, No. WM86-004-S1B - Phase II, dated August 9, 1990, with Camp, Dresser & McKee, Inc., for Investigation of Three Water Supply Dams in Framingham/Sudbury, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following matter relating to the Office of Real Property:

5. Report of Mrs. Anderson, July 20, recommending that the supplemental relocation claim, of $6,779.66, submitted by Mr.

Charles Bartoloni of Relocation Consultants, for the relocation of Signs by "J", be paid and that Commissioner Bhatti be authorized to approve and sign the payment form on behalf of the Commission.
The Commission V O T E D: Held Over.
Associate Commissioner Jones did not participate in discussion nor vote on this matter.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, August 9, submitting for approval and signature, Contract-Agreement with Dennis Carlone, for services related to the MEPA review of the Central Artery Project. Total compensation not to exceed $7,000.00. Time for performance - August 13, 1990 to December 30, 1990. Account No. 2449-7350.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated August 9, 1990, with Dennis Carlone, for services related to the MEPA review of the Central Artery Project, which was signed by the Commissioner and four Associate Commissioners.

2. At this point, on a motion by Associate Commissioner Jones and unanimously approved by the Commission, the Commission V O T E D: that in the future when an item is on the Agenda which refers to, or specifically involves, a party outside the Commission, said party will be informed in writing of the Agenda item and notified that all Commission meetings are open to the public.

The following matter was placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from July 9, 1990 to July 16, 1990.

Expenditures	$685,218.24
Summer Youth	$ 1,684.97

Adjourned at 1:50 p.m. to meet on Thursday, August 30, 1990 at 10:00 a.m.

William F. Quirk
Secretary

Record of the Three Thousand Five Hundred and Thirty Eighth (3538th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, August 30, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Meeting held on August 2, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated August 30, 1990, with Daniel F. Coughlin, Certified Public Accountant, to Analyze all Contractor's Financial Statements.

2. Contract-Agreement, dated August 30, 1990, with the Environmental Intern Program, Northeast, for the services of interns to work with division staff.

3. Contract-Agreement, dated August 30, 1990, with the Friends of Boston Harbor Islands, Inc., for the services of volunteers for Georges, Lovells and Peddocks Islands.

4. First Amendment, dated August 30, 1990, to Contract-Agreement with Paula A. Shinnick, for services as Archival Assistant.

5. Memorandum of Understanding, dated August 30, 1990, between the Department of Employment and Training, the Metropolitan District Commission, the Economic Development and Industrial Corporation of Boston, and Action for Boston Community Development.

6. Second Amendment, dated August 30, 1990, to Contract-Agreement P82-1128-D1B with Vollmer Associates, for Rehabilitation of Mystic Valley Parkway, Stoneham.

7. Contract No. P84-1276-C2B, dated August 30, 1990, with Sciaba Construction Corp., for Neponset Bridge Rehabilitation, Boston-Quincy.

Action was taken upon the following matters relating to the Engineering and Construction Division:

8. Report of Messrs. Faucher and Arinella, July 10, recommending approval of the following on Contract No. P89-1562-C1A, with Underwater Construction Corp., for Emergency Contract to Replace High and Low Sluice Gates, Charlestown, Massachusetts -
(a) That work be accepted as completed as of March 31, 1990.
(b) That Estimate No. 2 (Final), in the amount of $35,779.32, be approved for payment.
(c) That reserve, in the amount of $14,732.00, be approved for payment.
(Basis of Award - $275,688.00)
(Total to Date - $294,640.00)
(Contract Administration Rating - 3.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Underwater Construction Corp., Contractor under Contract No. P89-1562-C1A, for Emergency Contract to Replace High and Low Sluice Gates, Charlestown, be and hereby is accepted as completed as of March 31, 1990.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $35,779.32, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $14,732.00, for payment.

9. Report of Messrs. Faucher and Chan, August 3, recommending approval of the following on Contract No. P90-1575-C1A, with Allied Weatherproofing Co., Inc., for Rehabilitation of the Filter System at the Connor Memorial Pool, Waltham -
(a) Extra Work Order No. 1 - Winterize New Filtration System at a cost of $500.00.
(b) An extension of time from August 30, 1990 to October 15, 1990, due to the need to complete winterization of the pool.

(Funds for the Extra Work Order are available in Account No. 2440-7885).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $500.00.
The Commission further V O T E D: to approve an extension of time, from August 30, 1990 to October 15, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Higgott, July 16, recommending approval of Extra Work Order No. 2, in the amount of $140,658.60, for Grouting Voids in the Stepped Seawall, on Contract No. P82-1079-C1A, with Linden Construction Inc., for Repair of Seawalls and Restoration of Pavilions and Bandstand - Revere Beach Reservation.
(Funds are available in Account No. 2440-8881).
The Commission V O T E D: Held Over.

2. Report of Messrs. Faucher and Griffin, August 7, on bids for Alewife Brook Clean-up Phase II, Arlington, Contract No. P88-1546-C2A. Account No. 2440-9898.
(Messrs. Faucher and Griffin recommend acceptance of the lowest bid received, that of C. J. Mabardy Co., Inc., of $53,700.00).
The Commission V O T E D: to accept the lowest bid, that of C. J. Mabardy Co., Inc., of $53,700.00.

3. Report of Mr. Faucher and Ms. Pomorska, August 17, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P90-1581-C1A - Reconstruction of Existing Traffic Signal Systems on Revere Beach Parkway at the Intersection of Washington Avenue and of Union Street in Chelsea.
Estimated Cost - $250,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Kirwin, August 17, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1600-C1A, Reconstruction of Traffic Signal Systems Fellsway East and Fellsway West, Malden-Medford - 4 Locations.
Estimated Cost - $330,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.

5. Report of Mr. Faucher and Ms. Graves Jones, August 14, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1597-C1A, Reconstruction of Traffic Signal System at Two Locations in Quincy.
Estimated Cost - $120,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.

6. Report of Messrs, Faucher and Soroka, August 14, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1599-C1A-Construction and Reconstruction of Traffic Signal Systems Five Locations in Brighton and Watertown, Massachusetts.
Estimated Cost - $300,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.

7. Report of Messrs. Faucher and Mayhew, August 21, recommending approval of Extra Work Order No. 1, in the amount of $1,742.00, for removal and disposal of deteriorated topping from floor surface of the engine room, on Contract No. P86-1393-C3A, with Bay State Contracting Co., Inc., for Rehabilitation of the Rev. Romano Simoni and Louis E. Porrazzo Ice Skating Rinks, Cambridge - East Boston. Funds available in Account No. 2440-9883.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $1,742.00.

8. Report of Messrs. Faucher and Brooks August 24, recommending approval of an extension of time from September 8, 1990 to December 8, 1990, on Contract No. P88-1523-M1A, with Lewis

Refrigeration Company, for Maintenance of Refrigeration Systems Located in Skating Rinks of the Metropolitan Parks System.
The Commission V O T E D: to approve an extension of time, from September 8, 1990 to December 8, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and O'Connor, August 21, recommending approval of a revision in quantity on Item No. 88, Engineer's Field Office, at an increase in cost of $4,000.00, on Contract No. P82-1047-C1A, with J. F. White Contracting Company, for Rehabilitation of General Edwards Bridge, due to the need for additional work on the project.
(Final underruns on other items will offset the projected increase in cost).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and O'Connor in their report of August 21, 1990.

2. Report of Messrs. Faucher and Kirwin, August 21, recommending the following on Contract No. P87-1437-D1A, with Fay, Spofford and Thorndike, Inc., for Professional Traffic Engineering Services and Advise Regarding the Optimization, Inventory, and Updating of Traffic Control Signal Systems -
(a) That work be accepted as completed as of December 31, 1989.
(b) That reserve, in the amount of $15,635.45, be approved for payment.
Basis of Award - $200,000.00)
Total to Date - $156,354.53)
(Consultant Rating - 10 being excellent - 8.00)
The Commission V O T E D: that the work of Fay Spofford and Thorndike, Inc., Contractor under Contract No. P87-1437-D1A, for Professional Traffic Engineering Services and Advise Regarding the Optimization, Inventory, and Updating of Traffic Control Signal Systems, be and hereby is accepted as completed as of December 31, 1989.
The Commission further V O T E D: to approve release of reserve, in the amount of $15,635.45, for payment.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

3. Report of Messrs. Rodrigues and Tilas, August 9, recommending approval to extend the Permit with Recreational Sports, Inc., for the Blue Hills Ski Area, from June 30, 1990 to June 30, 1991.
Mr. Rodrigues stated that Legislation was enacted this year which will extend the next permit for the Blue Hills Ski Area from 5 years to 10 years. He noted that the Recreational Facilities and Programming Division is currently preparing a Request for Proposals for future operation of the Blue Hills Ski Area. By granting the extension of time to Recreational Sports, Inc., he explained, adequate time will be available to complete the bidding and award process for the new permit.
Associate Commissioner Jones requested that the Legal Counsel, Contract Administrator, Real Property Office, and the Concession Selection Committee be involved in the preparation of the Request for Proposals and the bidding process.
The Commission V O T E D: Approved.

4. Report of Mr. Rodrigues, August 21, submitting for approval a list of ice skating rinks recommended for early opening:
Waltham (Veterans Memorial - October 1, 1990
Lynn (Connery) - October 1, 1990
Medford (LoConte) - October 13, 1990
Dorchester (Devine) - October 1, 1990
Somerville (Veterans) - October 1, 1990
Revere (Cronin) - October 1, 1990
Everett (Allied Vets) - October 1, 1990
South Boston (Murphy) - October 13, 1990
Hyde Park (Bajko) - October 13, 1990
West Roxbury (Bryan) - October 13, 1990
Charlestown (Emmons-Horrigan-O'Neil) - October 1, 1990
(Various Youth Hockey groups have guaranteed the purchase of at

least 50 hours of ice time at $90.00 per hour. These rentals will meet basic operating costs, excluding personnel).
Mr. Rodrigues stated that the early opening of the rinks for ice rental will be contingent upon payment to the MDC of at least 50 hours of ice time per rink at $90.00 per hour, at least one week in advance to the District Office.
Associate Commissioner Whelan endorsed the program noting that the Commission has been authorized to open rinks early by the legislature with rental fees placed in a Commission retained revenue account. It was pointed out by Mr. Rodrigues that the funds could not be used for employees salaries.
Associate Commissioner Jones questioned if overtime would be needed for program. Mr. Rodrigues stated that he could not guarantee that overtime would not be needed. Associate Commissioner Jones then asked that no overtime be permitted without prior approval of the Commissioner.
At this point, Associate Commissioner Scandrett requested that Mr. Rodrigues provide the Commission with a sample of the rental agreement form which will be signed by the rink renter.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, July 26, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise Contract No. WM90-007-S1A, Quabbin Reservoir Seismic Stability Study.
Estimated Cost - $250,000.00. Account No. 2420-7880.
(This project must also receive approval of the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance).
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance.

Action was taken upon the following Various Matters:

2. Report of Mr. Wright, August 15, submitting for approval and signature a Concurrent Police Jurisdiction Agreement between the Metropolitan District Commission and the Town of Milton for Joint Police Protection of specific areas within the Town.
The Commission V O T E D: Approved.
The Secretary then submitted for signature the Concurrent Police Jurisdiction Agreement, dated August 30, 1990, between the Metropolitan District Commission and the Town of Milton, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. Jewett, August 24, on behalf of the Consultant Selection Committee, requesting that the Commission award Consultant Contract P82-0A04-D1A, Emergency Rehabilitation Design Services for United Waste Company Dam, Mother Brook, Dedham, to Metcalf & Eddy for a not-to-exceed fee of $100,000.00.
Estimated Time for Performance is 12 months.
Account No. 2440-7879.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of August 24, 1990.

Action was taken upon the following matters relating to the Office of Real Property:

4. Report of Mrs. Anderson, July 20, recommending that the supplemental relocation claim, of $6,779.66, submitted by Mr. Charles Bartoloni of Relocation Consultants, for the relocation of Signs by "J", be paid and that Commissioner Bhatti be authorized to approve and sign the payment form on behalf of the Commission.
Mr. Bartoloni addressed the Commission and assured the board members that the supplemental relocation claim was reasonable. He noted that the claim was not only for replacing letterheads, but also for purchase forms, ordering forms and other printing costs to duplicate stationary which became obsolete due to a change of address.

The Commission V O T E D: to approve for payment the supplemental relocation claim, in the amount of $6,779.66, submitted by Mr. Charles Bartoloni of Relocation Consultants, for the relocation of Signs by "J".
The Commission further V O T E D: to authorize Commissioner Bhatti to approve and sign the payment form on behalf of the Commission.
Commissioner Jones did not participate in discussion nor vote on this matter.

1. Report of Mrs. Anderson, August 16, relative to the request from the Town of Swampscott, for a 20-foot permanent easement along Lynn Shore Drive and Red Rock Park for the purpose of constructing a sanitary sewer line to connect the Lynn water and sewer system. On June 20, 1990, the Land Board voted to recommend that the Commission grant to the Town of Swampscott a permanent 10 foot easement subject to certain terms and condition.
On questioning by Associate Commissioner Scandrett, Mr. Lespasio stated that the permanent easement will have no adverse affect on Lynn Shore Drive or the seawall reconstruction project.
Mrs. Anderson noted that the Town of Swampscott had originally requested a 20-foot permanent easement. However, after complete review, staff recommends a limit of a 10-foot permanent easement.
Mr. Lespasio then stated that as a result of granting the permanent easement the Commission will receive from the Town, improvements to the area, including new sidewalks and landscaping.
Ms. Paula Devereau, Attorney for the Town of Swampscott reviewed various aspects of the project with the Commission.
Associate Commissioner Jones then asked that Ms. Devereau provide the Real Property Office with a letter outlining all commitments made by the Town of Swampscott concerning improvements to MDC property in the area of the permanent easement.
Mr. Lespasio then noted that all MDC Police detail costs would be borne by the Town.
The Commission V O T E D: Approved.

2. Report of Mrs. Anderson, August 22, requesting approval of the recommendation of the Land Board to declare surplus, to the City of Cambridge, the 4,851 square foot easement which is identified on a plan entitled 'Memorial Easement Plan of Land in Cambridge, Massachusetts, prepared by Schoenfeld Associates, Inc., and dated January 20, 1990'.
The Commission V O T E D: to approve the recommendation of the Land Board and declare surplus the 4,851 square foot easement which is identified on a plan entitled 'Memorial Easement Plan of Land in Cambridge, Massachusetts, prepared by Schoenfeld Associates, Inc., and dated January 20, 1990'.

The following matters were placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from July 16, 1990 to July 23, 1990.

Expenditures	$1,917,483.32
Summer Youth	$ 1,759.72

4. The following schedules were approved for payment by the Commissioner during the period from July 23, 1990 to July 30, 1990.

Expenditures	$4,714,969.58
Summer Youth	$ 1,696.86

Adjourned at 1:15 p.m. to meet on Thursday, September 6, 1990 at 10:00 a.m.

William I. Cronin
Secretary

Record of the Three Thousand Five Hundred and Thirty Ninth (3539th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 6, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. R E S O L U T I O N

"RESOLVED: That the Metropolitan District Commission, assembled in its Meeting held on September 6, 1990, does hereby express, its deep and sincere appreciation to Police Superintendent Thomas W. White for his 34 years of faithful and productive service with the Metropolitan District Police, and for the example he has set as a conscientious and dedicated public servant; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to him their cordial best wishes that the years of his retirement may be many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Police Superintendent Thomas W. White.

2. Contract No. P90-1577-C2A, dated September 6, 1990, with Raccuia Brothers Company, for Repairs to Broken 4" Water Supply Fiberglass Reinforced Pipe at the Charles River Dam, Charlestown.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Higgott, July 16, recommending approval of Extra Work Order No. 2, in the amount of $140,658.60, for Grouting Voids in the Stepped Seawall, on Contract No. P82-1079-C1A, with Linden Construction Inc., for Repair of Seawalls and Restoration of Pavilions and Bandstand - Revere Beach Reservation.
(Funds are available in Account No. 2440-8881).
Associate Commissioner Whelan questioned why the voids were not discovered during the initial engineering study. Mr. Higgott responded that they were not visible until the Contractor punched thru the seawall during demolition of the defective areas.
Following a lengthy discussion, the Commission V O T E D: to approve Extra Work Order No. 2, with the understanding that the cost will not exceed $140,658.60 (it is anticipated that following negotiations with the Contractor, the final cost of the Extra Work Order will be approximately $60,000.00).

4. Report of Messrs. Faucher and Arinella, August 28, recommending approval of an extension of time from September 5, 1990 to December 21, 1990, on Contract No. P90-1577-C5A, with R. Zoppo Co., Inc., for Repair or Replacement of Culvert Gates at the Charles River Locks.
The Commission V O T E D: to approve an extension of time, from September 5, 1990 to December 21, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Messrs. Faucher and Mayhew, August 30, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1595-C1A, Demolition of Structures and Trash Removal at the Shaffer Paper Site, Taylor Street, Dorchester.
Estimated Cost - $350,000.00. Account No. 2449-7376.
Associate Commissioner O'Malley, noting Community interest in the beautification of the banks of the Neponset River, asked that the various citizen groups in the area be notified of the Commission action on this item.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Messrs. Faucher and Lenhardt, August 29, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P84-1276-C1A, Bridge Deck Resurfacing John F. Gilmore Bridge, in Boston and Cambridge. Estimated cost - $1,200,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Abounaja, August 29, on bids for Constructon of Old Harbor Park, Dorchester Shores Reservation, Boston. Account No. 2440-8885.
(Messrs. Faucher and Abounaja recommend rejection of the lowest bid received, that of Sciaba Construction Company, of $5,565,726.00, due to the following reasons:
   a. The bid proposal was incomplete.
   b. The proposal form was detached from the proposed document.
   c. Several errors were made on proposal sheets).
(Messrs. Faucher and Abounaja further recommend acceptance of the second lowest bid received, that of John Mahoney Construction Co./Whittier Equipment Corp., of $5,842,302.00).
It was noted that Sciaba Construction Company had, by letter dated August 30, 1990, protested the rejection of their bid and requested a hearing before the Commission to address the issue.
Mr. Jewett then informed the Commission that he received a letter from Attorney John J. Spignesi this morning stating that his client, Sciaba Construction Corporation, was withdrawing its protest of the Commission's rejection of its bid.
The Commission V O T E D: to reject the lowest bid received, that of Sciaba Construction Company, of $5,565,726.00, as recommended by Messrs. Faucher and Abounaja in their report of August 29, 1990.
The Commission further V O T E D: to accept the second lowest bid received, that of John Mahoney Construction Co./Whittier Equipment Corp., of $5,842,302.00.

3. Report of Messrs. Faucher and Mayhew, August 28, on bids for Slope Protection Repairs - Pleasure Bay Causeway and Castle Island Park, South Boston, Contract No. P91-1594-C1A.
Account No. 2448-0000.
(Messrs. Faucher and Mayhew recommend acceptance of the lowest bid received, that of Ernest Minelli, Inc., of $785,982.50).
The Commission V O T E D: to accept the lowest bid received, that of Ernest Minelli, Inc., of $785,982.50.

4. Report of Messrs. Faucher and Carrigan, August 22, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1603-C1A, Resurfacing of MDC Parkways at Various Locations in the Greater Metropolitan Boston Area.
Estimated Cost - $1,750,000.00. Account No. 2450-1010.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Watershed Managment Division:

5. Report of Mr. McGinn, August 31, recommending approval of the request of the Multiple Sclerosis Society of Worcester County to use Quabbin Gate #41 as a checkpoint site for their 8th Annual Countryside Bike Fest on Sunday, September 16, 1990, from 9:00 a.m. to 4:30 p.m.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of Real Property:

6. Report of Mrs. Anderson, August 30, requesting renewal of a Contract-Agreement with Thomas J. Gray, for Personal Services Necessary to Complete Land Acquisitions on Commission Watershed Lands. Total Compensation not to exceed $32,510.00, which

includes $500.00 in reimbursable expenses. Time for Performance September 17, 1990 to June 30, 1991. Account No. 2420-9883. The Commission V O T E D: Approved as requested by Mrs. Anderson in her report of August 30, 1990.

1. At this point, Associate Commissioner Jones requested that Mrs. Anderson, Mr. Wright, Mrs. O'Brien and Mr. Gray be available at the next Commission meeting and update the Commission on the status of the request of Bayside Associates, for extension of the lease for the parcel of land used for access to the Bayside Exposition Center, South Boston.

Adjourned at 12:15 p.m. to meet on Thursday, September 20, 1990 at 9:00 a.m.

William F. Cushnahan
Secretary

Record of the Three Thousand Five Hundred and Fortieth (3540th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 20, 1990 at 9:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of Meetings held on August 9 and August 30, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Modification to existing height restriction on a parcel of land located at 460 Revere Beach Boulevard, Revere.
The Commission V O T E D: Held Over pending review by Mr. Wright.

2. Contract-Agreement, dated September 20, 1990, with Systems Exterminating Services, for Pest Control Services for Various MDC Facilities, FY91.

3. Contract-Agreement, dated September 20, 1990, with Thomas J. Gray, for Personal Services Necessary to Complete Land Acquisitions on Commission Watershed Lands.

4. Contract-Agreement, dated September 20, 1990, with Teledyne Engineering Services, for Steel Inspection and Testing.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Abounaja, September 6, recommending approval of Extra Work Claim No. 1, in the amount of $1,190.25, for removal of concrete pavement and a building foundation, on Contract No. P88-1542-C1A, with Brightway Corporation, for Park Improvements to Johnson Playground. Account No. 2440-8817.
The Commission V O T E D: to waive the provisions of Article XVIII relative to Claims for Payment for Extra Work and approve Extra Work Claim No. 1, in the amount of $1,190.25, for removal of concrete pavement and a building foundation.

6. Report of Messrs. Faucher and Abounaja, September 12, recommending approval of Extra Work Order No. 1, in the amount of $21,830.25, for supplying granite blocks to be used around spray pool and seat wall, on Contract No. P88-1542-C1A, with Brightway Corp., for Park Improvements to Johnson Playground.
Account No. 2440-8817.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $21,830.25.

7. Report of Messrs. Faucher and Lenhardt, September 13, recommending the following action relative to the Aberjona River Bridge, Mystic Valley Parkway, Winchester -
(a) That the Aberjona River Bridge (MDC-449-004-100) be posted for a maximum of four (4) tons.
(b) That all trucks be prohibited from using the Aberjona River Bridge.
The Commission V O T E D: that the Aberjona River Bridge (MDC-449-004-100) be posted for a maximum of four (4) tons.
The Commission further V O T E D: that all trucks be prohibited from using the Aberjona River Bridge.

8. Report of Messrs. Faucher and Okeke, September 11, recommending approval of Extra Work Order No. 1, in the amount of $2,049.50, for pumping services, on Contract No. P90-1584-C1A, with American Artesian Well Company, Inc., for Testing and Installation of Permanent Ground Well System, at Trailside Museum, Milton, Massachusetts.
(An underrun on another item will offset the cost of the Extra Work).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $2,049.50.

9. Report of Messrs. Faucher and Okeke, September 11, recommending the following on Contract No. P90-1584-C1A, with American Artesian Well Company, Inc., for Testing and Installation of

Permanent Ground Well System at Trailside Museum, Milton, Massachusetts -
(a) That work be accepted as completed as of August 28, 1990.
(b) That Estimate No. 1 (Final), in the amount of $17,479.52, be approved for payment.
(c) That reserve, in the amount of $919.98, be approved for payment.
(Basis of Award - $18,600.00)
(Total to Date - $18,399.50)
(Contract Administration Rating - 3.70)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of American Artesian Well Company, Inc., Contractor under Contract No. P90-1584-C1A, for Testing and Installation of Permanent Ground Well System at Trailside Museum, Milton, Massachusetts, be and hereby is accepted as completed as of August 28, 1990.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $17,479.52, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $919.98, for payment.

1. Report of Messrs. Faucher and Terzian, September 14, recommending that the Commission ratify and approve the award of Project No. P82-0A04-C1A to C. J. Mabardy, Inc., in the amount of $119,200.00, for Emergency Construction Contract, United Waste Co. Dam, Mother Brook, Dedham. Account No. 2440-7893.
Associate Commissioner Jones, noting that the Dam is owned and maintained by the Commission, requested that the Memorialization Committee investigate the possibility of providing a more appropriate name for the facility.
The Commission V O T E D: to ratify and approve the award of Project No. P82-0A04-C1A to C. J. Mabardy, Inc., in the amount of $119,200.00, for Emergency Construction Contract, United Waste Co. Dam, Mother Brook, Dedham.

2. Report of Messrs. Faucher an O'Connor, September 12, recommending approval of the following on Contract No. P82-107-C1A, with J. F. White Contracting Co., for Rehabilitation of General Edwards Bridge, Revere/Lynn -
1. **Alteration No. 3**
Item No. 74 - Modernization of Bridge Electrical System - $197,328.81.
2. **Revision in Quantities**
Item No. 37 - Replacement of Corroded Structural Steel Crossframes - $26,303.25.
Item No. 39 - Replacement of Corroded Miscellaneous Structural Steel - $40,354.80.
(At no additional obligation as there are sufficient unused quantities in other items which will offset the projected increase in costs).
The Commission V O T E D: to approve Alteration No. 3, in the amount of $197,328.81.
The Commission further V O T E D: to approve the Revision in Quantities, as recommended by Messrs. Faucher and O'Connor in their report of September 12, 1990.

3. Report of Mr. Faucher and Ms. Graves-Jones, September 12, on bids for Painting Lines For Parking Spaces at Various Locations in the Greater Boston Area.
(Mr. Faucher and Ms. Graves-Jones recommend rejection of the only bids received those of Markings, Inc., of $36,275.00 - for failure to provide bid deposit, and Traffic Markings, Inc., of $51,920.00 - due to significant price imbalance on two items. Permission is also requested to readvertise the project).
The Commission V O T E D: to reject the only bids received as recommended by Mr. Faucher and Ms. Graves-Jones in their report of September 12, 1990.
The Commission further V O T E D: Permission to readvertise the Project.

4. Report of Messrs. Faucher and Brooks, with recommendation of Mr. Wright, both September 19, on bids for Maintenance of Refrigeration Systems Located in Ice Skating Rinks within the

Metro Parks System, Contract No. P90-1587-M1A.
(Messrs. Faucher, Brooks and Wright recommend rejection of all bids for the following reasons:

Mass Air Conditioning and Heating, Corp., $688,205.00, due to insufficient single project maximum limit bidding capacity of $600,000.00 shown on their DCPO certificate of eligibility.

Lewis Refrigeration Company, $106,132.00, over the Engineer's revised estimate.

HVAC Engineering Inc., $124,105.00, over the Engineer's revised estimate.

Permission is also requested to readvertise the project).
The Commission V O T E D: to reject all bids, as recommended by Messrs. Faucher, Brooks, and Wright in their reports of September 19, 1990.
The Commission further V O T E D: Permission to readvertise.

Action was taken upon the following matter relating to the Watershed Managment Division:

1. Report of Messrs. McGinn and Kane, August 22, recommending the following on Contract No. WM89-001-C1A, with Morris Roofing and Sheetmetal Corp., for Replacement of Built-Up Roof, Administration Building, Quabbin Reservoir, Belchertown, Massachusetts -
(a) That work be accepted as completed as of August 10, 1990.
(b) That Estimate No. 1 (Final), in the amount of $17,100.00, be approved for payment.
(c) That reserve, in the amount of $900.00, be approved for payment.
(Basis of Award - $18,000.00)
(Total to Date - $18,000.00)
(Contract Administration Rating - 3.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Morris Roofing and Sheetmetal Corp., Contractor under Contract No. WM89-001-C1A, for Replacement of Built-Up Roof, Administration Building, Quabbin Reservoir, Belchertown, Massachusetts, be and hereby is accepted as completed as of August 10, 1990.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $17,100.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $900.00, for payment.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

2. Report of Messrs. Rodrigues and Morris, August 15, requesting approval and execution of an Amendment to the Southwest Corridor Park Memorandum of Understanding, with the Massachusetts Bay Transportation Authority.
(The Amendment will clarify MDC Police responsibility for primary response to calls for service, crime reporting and follow-up investigations).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated September 20, 1990, to the Southwest Corridor Park Memorandum of Understanding, with the Massachusetts Bay Transportation Authority, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matters:

3. Report of Mr. Winter, September 4, requesting that the Commission ratify and approve the award of a Contract for Emergency Repairs to Craigie Drawbridge to Brewster Electric Company and authorize payment, in the amount of $990.00. Account No. 2440-0010.
The Commission V O T E D: to ratify and approve the award of a Contract for Emergency Repairs to Craigie Drawbridge to Brewster Electric Company.
The Commission further V O T E D: to authorize payment, in the amount of $990.00, to Brewster Electric Company.

1. Report of Mr. Wright, September 12, recommending that the Commission approve and execute a Contract-Agreement with I.E.P., Inc., to review and evaluate records of the Brimmer Street matter and make certain tests and investigations, as requested by the Attorney General's Department, with an upset limit of $50,000.00 and a time of performance from September 17, 1990 through June 30, 1991. Account No. 2441-9886.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated September 20, 1990, with I.E.P., Inc., which was signed by the Commissioner and four Associate Commissioners.

2. At this point, Associate Commissioner Jones requested that Mrs. O'Brien and other members of the Committee established by the Commissioner concerning the Bayside Mall access road, attend next weeks meeting and update the Commission on the request of Bayside Associates, for extension of the lease for the parcel of land used for access to the Bayside Exposition Center, South Boston. He further requested that Mrs. O'Brien provide the Commission with a memo outlining the status of the lease.

The following matters were placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from July 30, 1990 to August 6, 1990.

Expenditures	$806,075.57
Summer Youth	$ 1,684.97

4. The following schedules were approved for payment by the Commissioner during the period from August 6, 1990 to August 13, 1990.

Expenditures	$926,194.65
Summer Youth	$ 1,580.45

5. The following schedules were approved for payment by the Commissioner during the period from August 13, 1990 to August 20, 1990.

Expenditures	$626,810.55
Summer Youth	$ 1,696.86

6. The following schedules were approved for payment by the Commissioner during the period from August 20, 1990 to August 27, 1990.

Expenditures	$660,880.73
Summer Youth	$ 1,759.76

7. The following schedules were approved for payment by the Commissioner during the period from August 27, 1990 to September 3, 1990.

Expenditures	$896,458.48
Summer Youth	$ 1,571.58

Adjourned at 9:50 a.m. to meet on Thursday, September 27, 1990 at 10:00 a.m.

William F. Cronin
Secretary

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Record of the Three Thousand Five Hundred and Forty First (3541st) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, September 27, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on September 6, 1990 were read and approved.

The Secretary submitted for signature the following paper:

1. Modification to existing height restriction on a parcel of land located at 460 Revere Beach Boulevard, Revere.
The Commission V O T E D: Held Over.

The Secretary then submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

2. Contract-Agreement, dated September 27, 1990, with P. Clancy and Sons Exterminating Company, for Extermination Services for MetroParks Zoos.

3. Contract-Agreement, dated September 27, 1990, with Grudzinski, Sprik Enterprises, Inc., d/b/a AdCom Express, for Messenger Services to and from Quabbin and Wachusett.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Higgott, September 18, recommending the following on Contract-Agreement No. P78-0667-D1E, with The Maguire Group, for Rehabilitation of the Amelia Earhart Dam, Navigational Locks and Flood Control Pumping Station, Somerville and Everett, Massachusetts -
(a) That work be accepted as completed as of April 19, 1990.
(b) That Estimate No. 26 (Final), in the amount of $3,488.42, be approved for payment.
(c) That reserve, in the amount of $5,381.01, be approved for payment.
(Basis of Award - $110,531.00)
(Total to Date - $165,783.40)
(Contract Administration Rating - 8.00 - on a scale 1.00 to 10.00)
The Commission V O T E D: that the work of The Maguire Group, Consultant under Contract-Agreement No. P78-0667-D1E, for Rehabilitation of the Amelia Earhart Dam, Navigational Locks and Flood Control Pumping Station, Somerville and Everett, Massachusetts, be and hereby is accepted as completed as of April 19, 1990.
The Commission further V O T E D: to approve Estimate No. 26 (Final), in the amount of $3,488.42, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,381.01, for payment.

5. Report of Messrs. Faucher and Higgott, September 18, recommending the following on Contract No. P78-0667-C1A, with J. F. White Contracting Company, for Rehabilitation of the Amelia Earhart Dam, Navigational Locks, and Flood Control Pumping Station in Somerville and Everett, Massachusetts -
(a) That work be accepted as completed as of April 19, 1990.
(b) That Estimate No. 25 (Final), in the amount of $33,209.32, be approved for payment.
(c) That reserve, in the amount of $92,613.79, be approved for payment.
(Basis of Award - $4,016,061.00)
(Total to Date - $5,852,276.63)
(Contract Administration Rating - 3.80)
(EEO Compliance - 4.40)
The Commission V O T E D: that the work of J. F. White Contracting Company, Contractor under Contract No. P78-0667-C1A, for Rehabilitation of the Amelia Earhart Dam, Navigational Locks

and Flood Control Pumping Station, Somerville and Everett, Massachusetts, be and hereby is accepted as completed as of April 19, 1990.
The Commission further V O T E D: to approve Estimate No. 25 (Final), in the amount of $33,209.32, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $92,613.79, for payment.

1. Report of Messrs. Faucher and Chan, September 11, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1604-C1A, Installation of PVC Liner at the Connell Memorial Pool, Weymouth. Estimated Cost $45,000.00. Account No. 2440-7885.
(This project must also receive approval of the Executive Office of Environmental Affairs).
The Commission discussed the project at length and expressed concerns regarding funding for the contract.
The Commission V O T E D: To approve the project contingent upon the availability of funds to open and operate the facility.
The Commission further V O T E D: Permission to advertise if funds are available to open and operate the facility and if approval is received from the Executive Office of Environmental Affairs.

2. Report of Messrs. Faucher and Okeke, September 13, recommending approval of Extra Work Order No. 1, in the amount of $3,219.77, for boiler work, on Contract No. P90-1578-C1A, with Carl Louis and Company, Inc., for Critical Repairs to Skating Rinks at Various MDC Locations. Account No. 2440-7893.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $3,219.77.

3. Report of Messrs. Faucher and Arinella, September 13, requesting approval of Work Schedule and Project Justification and also ratification and approval of Emergency Contract No. P90-1577-C6A, with Fairbanks Morse Companies, Engine Division, and authorize payment, in the amount of $18,000.00, for Emergency Repair of Number (1) Engine Turbocharger, Charles River Dam Pump House, Charlestown. Account No. 2440-7893.
The Commission V O T E D: to approve Work Schedule and Project Justification.
The Commission further V O T E D: to ratify and approve Emergency Contract No. P90-1577-C6A, with Fairbanks Morse Companies, Engine Division, for Emergency Repair of Number (1) Engine Turbocharger, Charles River Dam Pump House, Charlestown.
The Commission further V O T E D: to authorize payment, in the amount of $18,000.00, to Fairbanks Morse Companies, Engine Division.

Action was taken upon the following matters relating to the Watershed Managment Division:

4. Report of Messrs. McGinn and Kane, September 20, recommending the following on Contract-Agreement No. WM87-003-S2A, with Louis Berger and Associates, Inc., for Cultural Resources, Phase II, Field Testing for Required Impact.
(a) That work be accepted as completed as of June 30, 1990.
(b) That Estimate No. 4 (Final), in the amount of $3,122.72, be approved for payment.
(c) That reserve, in the amount of $4,318.57, be approved for payment.
(Basis of Award - $45,904.00)
(Total to Date - $43,185.73)
(Contractor's Overall Performance - 8.00 - on a scale of 1.00 to 10.00 - with 10.00 being excellent).
The Commission V O T E D: that the work of Louis Berger and Associates, Inc., Consultant under Contract-Agreement No. WM87-003-S2A, for Cultural Resources, Phase II, Field Testing for Required Impact, be and hereby is accepted as completed as of June 30, 1990.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $3,122.72, for payment.
The Commission further V O T E D: to approve release of reserve,

in the amount of $4,318.57, for payment.
Associate Commissioner Jones did not participate in discussion nor vote on this matter.

1. Report of Messrs. McGinn and O'Connor, September 20, recommending that Contract-Agreement No. R90-0001-L3A, with C. T. Male Associates, Inc., for Open Space Land Acquisition/Watershed Land Survey, be accepted as completed as of June 30, 1990.
(Basis of Award - $35,000.00)
(Total to Date - $34,272.00)
(Contractor's Overall Performance - 9.50 - on a scale of 1.00 to 10.00 - with 10.00 being excellent).
The Commission V O T E D: that the work of C. T. Male Associates, Inc., Consultant under Contract-Agreement No. R90-0001-L3A, for Open Space Land Acquisition/Watershed Land Survey, be and hereby is accepted as completed as of June 30, 1990.

2. Report of Messrs. O'Connor and McGinn, September 20, recommending that Contract-Agreement No. R90-0001-L2A, with Greenman-Pedersen, Inc., for Open-Space Land Acquisition/Watershed Land Survey, be accepted as completed as of June 29, 1990.
(Basis of Award - $55,000.00)
(Total to Date - $54,814.00)
(Contractor's Overall Performance - 8.80 - on a scale of 1.00 to 10.00 - with 10.00 being excellent).
The Commission V O T E D: that the work of Greenman-Pedersen, Inc., Consultant under Contract-Agreement No. R90-0001-L2A, for Open-Space Land Acquisition/Watershed Land Survey, be and hereby is accepted as completed as of June 29, 1990.

3. Report of Messrs. McGinn and O 'Connor, September 20, recommending that Contract-Agreement No. R90-0001-L1A, with Merrimack Engineering Services, Inc., for Open-Space Land Acquisition/Watershed Land Survey, be accepted as completed as of June 30, 1990.
(Basis of Award - $40,000.00)
(Total to Date - $39,885.00)
(Contractor's Overall Performance - 8.60 - on a scale of 1.00 to 10.00 - with 10.00 being excellent)
The Commission V O T E D: that the work of Merrimack Engineering Services, Inc., Consultant under Contract-Agreement No. R90-0001-L1A, for Open-Space Land Acquisition/ Watershed Land Survey, be and hereby is accepted as completed as of June 30, 1990.

Action was taken upon the following Various Matters:

4. Report of Mrs. O'Brien and Mr. Jackson, September 17, submitting for adoption MDC Policy and Procedures for Memorialization on Commission Properties to become effective immediately upon adoption.
The Commission V O T E D: Held Over.

5. Report of Mr. Jewett, September 21, requesting approval of Amendment No. 1, which will reduce the limits of professional liability insurance from the current level of one million dollars to five hundred thousand dollars, on Contract-Agreement No. P80-0826-D2A, with Andrew Christo Engineers, for Rehabilitation to the Approaches to Huntington Avenue Overpass.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of September 21, 1990.

Action was taken upon the following matters relating to the Office of Real Property:

6. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary for Watershed Land Acquisition - Constables Project - (Project No. R91-0004-L1A). Estimated Cost $15,000.00. Time for Performance will be nine months ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
Associate Commissioner Whelan questioned if this project, and projects R91-0002-L1A, R91-0003-L1A, and WM91-001-L1A, could be performed by MDC personnel.
The Commission V O T E D: Held Over pending further information from Mrs. Anderson.

1. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary for Watershed Land Acquisition - Expert Witness Project - (Project No. R91-0001-L1A). Estimated Cost $150,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Held Over pending further information from Mrs. Anderson.

2. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0002-L1A, Watershed Land Acquisition - Title Examination Project. Estimated Cost $50,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Held Over pending further information from Mrs. Anderson.

3. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0003-L1A, Watershed Land Acquisition - Land Appraisal Project. Estimated Cost $600,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Held Over pending further information from Mrs. Anderson.

4. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. WM91-001-L1A, Watershed Land Acquisition - Land Survey Project. Estimated Cost $350,000.00. Time for Performance will be nine months ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Held Over pending further information from Mrs. Anderson.

5. Report of Mrs. Anderson, September 24, on behalf of the Land Board, recommending approval of the request of the City of Quincy for two permanent easements in the Furnace Brook Parkway and Willard Street areas, for the construction of the West Quincy Relief Interceptor Sewer, pending passage of Article 97 legislation.
Mr. Cronin of the Real Property Office reviewed the request of the City of Quincy and noted that the Land Board was recommending approval.
Quincy Public Works Commissioner David A. Colton appeared before the Commission and stated that the project, if approved, will be carried out performed in complete compliance with all MDC regulations. He then stated, that the City will work closely with the MDC to insure that any inconvenience to the public is held to a minimum.
Associate Commissioner Jones questioned if the new sewer line will be compatible with sewer lines of the Massachusetts Water Resource Authority (MWRA).
John McSweeney, of Whitman and Howard, the Engineering Consultant for the City of Quincy, stated that the new sewer line will be designed in compliance with guidelines provided by the MWRA and other State and Federal regulatory agencies.
Associate Commissioner Jones requested that Mr. McSweeney provide the Real Property Office with a letter from the MWRA stating that the new sewer system is in compliance with their specifications.
Mr. McSweeney then noted that he has met with MDC Police Officials to coordinate traffic and safety issues.
Commissioner Bhatti praised the City of Quincy for undertaking the project. He noted that at the present surcharges from the existing sewer are polluting MDC Wetlands.
Associate Commissioner Jones requested that all documentation related to this project be available in a central file for review at a later date, if necessary.
Associate Commissioner Whelan requested assurance that any landscape, trees, etc., damaged during the project is restored to its original condition. The assurance was given by Mr. McSweeney.
The Commission V O T E D: Approved with the understanding that all conditions imposed by the MDC, and other State and Federal

agencies, be incorporated into permanent file in the Real Property Office.
The Commission further V O T E D: to approve the recommendation of the Land Board and declare as surplus the following two easements:
The first easement shall be located within the layout lines of Furnace Brook Parkway and is restricted to the paved area on said Parkway, with the exception of the areas beginning at the point of the Massachusetts Water Resources Authority's high level sewer at the intersection of Adams Street and Furnace Brook Parkway for a distance of 70 feet, from Furnace Brook Parkway rotary to Larry Street, and from Salem Street and Fredericks Street as shown on a plan entitled "Easement Plan of Land in Quincy, Mass.", dated September 6, 1990 and prepared by Whitman & Howard, Inc. The second easement area shall be located within the layout of Willard Street and Furnace Brook Parkway rotary at the Southeast Expressway, as shown on said plan.

1. Report of Mrs. Anderson, September 25, recommending that the Commission authorize by deed, or, in the alternative, to adopt an order of taking for 149,507 square feet ± of land owned by H. A. Fafard and Sons Construction, Inc., subject to such approvals as may be required by law, said land being located in North Weymouth, Massachusetts, and to approve an acquisition cost or award of damages in the amount of $1,000,000.00, less the costs of removal of the contamination on site, and to approve the payment of interest and tax apportionments if the property is acquired by eminent domain taking.
Mary Toomey, Chairperson of the Weymouth and Hingham Back River Committee, appeared before the Commission and presented a brief history of the property. She spoke of the importance of acquiring the property noting that the inlet abutting the land, is a critical link in protecting the ecosystem of the area. She also spoke of the need to create a public park at the site.
Associate Commissioner Scandrett noted that hazardous waste contamination exists on the property which could cause problems if the Commission obtained the site. It was pointed out that fair market value for the site is $1,000,000.00 and the contamination clean-up cost would be deducted from that sum.
Associate Commissioner Whelan spoke of the inadvisability of purchasing contaminated land. He then stated that the Commission should wait until bankruptcy proceedings have been finished before moving forward with the purchase or adopting an order of taking for the property. He then stated that he is in favor of acquiring the land but not until such time as all legal ramifications involving landtaking, back taxes, interest and responsibility for hazardous waste removal have been resolved.
Associate Commissioner Jones noting that the matter has not been reviewed by Legal Counsel suggested that the item be held over until that review has been carried out.
The Commission V O T E D: Held Over.
The Commission further V O T E D: to reaffirm its interest in the acquisition of this parcel of land, which was approved by the Commission at its Meeting of March 30, 1989.

Action was taken upon the following matters relating to the Central Services Division:

2. Report of Mr. Lydon, September 25, requesting permission to solicit bids for Project No. CS91-02-M1A, Repair Services to the Various Heating and/or Air Conditioning Systems in use Throughout the Charles and Mystic Districts. Estimated Cost - $20,000.00. Account No. 2440-0010.
The Commission V O T E D: Approved.

3. Report of Mr. Lydon, September 25, requesting permission to solicit bids for Project No. CS91-01-M1A, Repair Services to the Various Heating and/or Air Conditioning Systems in use in the Commission's Facilities Throughout the Harbor and Neponset Districts. Estimated Cost - $20,000.00. Account No. 2440-0010.
The Commission V O T E D: Approved.

Adjourned at 1:25 p.m. to meet on Thursday, October 4, 1990 at 9:00 a.m.

William F. Cronin
Secretary

Record of the Three Thousand Five Hundred and Forty Second (3542nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 4, 1990 at 9:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission meeting held on September 20, 1990 were read and approved.

The Secretary submitted for signature the following paper:

1. Modification to existing height restriction on a parcel of land located at 460 Revere Beach Boulevard, Revere.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Giella, September 24, recommending approval of an extension of time from October 4, 1990 to December 15, 1990, on Contract No. P88-1549-C1A, with Mass Site Developers, Inc., for Construction of River Street Park, Wellesley, Massachusetts.
The Commission V O T E D: to approve an extension of time, from October 4, 1990 to December 15, 1990, as recommend by Messrs. Faucher and Giella in their report of September 24, 1990 to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Young, September 26, recommending approval of revisions in quantities, at a total additional cost of $28,041.75, on Contract No. P90-1570-M1A, with Penachio Brothers Electric Corporation, for Maintenance of Street Lighting Systems on Parkways and Roadways of the MDC as follows:

Item No. 4 -	Concrete Standard Street Light Knockdown Repair	- $ 1,275.00
Item No. 8 -	Street Light Transformer Base	- $ 630.00
Item No. 9 -	8" Bracket Arm	- $ 375.00
Item No. 52	3" Galvanized Steel Conduit	- $ 631.00
Item No. 59	Mercury Fixture	- $ 1,130.50
Item No. 77	Materials, Components & Parts	- $20,000.00
Item No. 78	Traffic Control Services	- $ 4,000.00

(Funds available in Account No. 2444-9001).
Associate Commissioner Jones questioned if public safety would be jeopardized if these revisions were not approved by the Commission. Mr. Baratta responded in the affirmative.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Young in their report of September 26, 1990.

4. Report of Messrs. Faucher and O'Connor, September 26, on bids for Tile and Miscellaneous Washings at Various Locations within the Metropolitan Parks District - 21 Month Maintenance Contract FY91 and FY92, Contract No. P91-1591-M1A. Account No. 2444-9001-12. (Messrs. Faucher and O'Connor recommend acceptance of the only bid received, that of Unique Applications, Inc., of $45,480.00).
Commissioner Bhatti requested that this item be held over pending review to determine if this project is of a critical nature.
The Commission V O T E D: Held Over.

5. Report of Messrs. Faucher and Terzian, September 27, recommending approval of an extension of time from September 28, 1990 to October 19, 1990, on Contract No. P82-0A04-C1A, with C. J. Mabardy, Inc., for Emergency Construction - United Waste Company Dam, Mother Brook, Dedham, Massachusetts.
Associate Commissioner Jones questioned the status of his request to investigate the possibility of providing a more appropriate name for the Dam. Secretary Chisholm stated that the matter will be taken up at the next meeting of the Policy Committee.
The Commission V O T E D: to approve an extension of time, from September 28, 1990 to October 19, 1990, as recommended by Messrs. Faucher and Terzian in their report of September 27, 1990 to be

effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Okeke, September 26, recommending approval of the following on Contract No. P90-1578-C1A, with Carl-Louis Company, Inc., for Critical Repairs to Skating Rinks at Various MDC Locations -
(a) Extra Work Order No. 2 - To Furnish and Install New Fuel Oil Lines for New Boilers at the Ulin Rink in Milton and the Bryan Rink in West Roxbury at a total cost of $1,087.59.
(b) An extension of time from September 13, 1990 to October 13, 1990.
(Funds for the Extra Work Order are available in Account No. 2440-7893).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $1,087.59.
The Commission further V O T E D: to approve an extension of time, from September 13, 1990 to October 13, 1990, as recommended by Messrs. Faucher and Okeke to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Mayhew, September 26, on bids for Demolition of Structures and Trash Removal at the Shaffer Paper Site, Taylor Street, Dorchester, Massachusetts, Contract No. P91-1595-C1A. Account No. 2449-7376 and Account No. 2449-8775. (Messrs. Faucher and Mayhew recommend acceptance of the low bid, that of James J. Grant Co., Inc., of $219,000.00).
Associate Commissioner Jones requested that in the future, all correspondence concerning the location be referred to as MDC property located at 98 Taylor Street, Dorchester.
The Commission V O T E D: to accept the low bid, that of James J. Grant Co., Inc., of $219,000.00.

Action was taken upon the following matter relating to the Watershed Managment Division:

3. Report of Messrs. McGinn and O'Connor, September 24, on proposals for the purchase of forest products located on the Quabbin, Ware River, Wachusett and Sudbury Watersheds.
The Commission V O T E D: to accept the highest qualified bid, that of Scott Chaffee, of $1,901.75; to purchase approximately 123,690 board feet of sawlogs on Timber Sale No. 587 - Quabbin Reservoir Watershed. Scott Chaffee will also purchase and plant 30,000 white pine seedlings and 4,000 norway spruce seedlings valued at $7,820.00, planted at sites designated by the Forester, which are considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the highest qualified bid, that of Hubbard Lumber Co., of $326.50; to purchase approximately 119,455 board feet of sawlogs, and 17 cords of firewood on Timber Sale No. 588 - Quabbin Reservoir Watershed. Hubbard Lumber Co. will also provide the following: 20 acres weeding/release cutting, valued at $900.00; Prune 500 trees to 13', valued at $1,000.00; Purchase and plant 3,000 oak seedlings, valued at $3,750.00; three bales of petroleum absorbent material valued at $380.00; 60 pieces of 2x6x16' hemlock planks for barways, valued at $300.00; 40 pcs. 6x6x6' treated posts for barways, valued at $400.00; 25 hours of gravel trucking, valued at $950.00; all to be delivered to the New Salem Office or performed at various sites as designated by the Forester, which are considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the highest qualified bid, that of Conkey Logging and Lumber, of $1,145.90; to purchase approximately 17,000 board feet of sawlogs, 138 cords of firewood and 10 cords in tops on Timber Sale No. 589 - Quabbin Reservoir Watershed. Conkey Logging & Lumber will also purchase 15 rolls of poultry fence, 72" x 165', valued at $954.60, delivered to the New Salem Office, which is considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the highest qualified

bid, that of E. A. Davis Lumber, of $1,198.40; to purchase approximately 146,240 board feet of sawlogs and 56 cords of firewood on Timber Sale No. 180 - Ware River Watershed. E. A. Davis Lumber will also crush 1400 yards of bank run gravel on the Ware River Watershed, valued at $3,500.00, which is considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the highest qualified bid, that of E.A. Davis Lumber, of $1,153.60; to purchase approximately 38,960 board feet of sawlogs, 50 cords of firewood and 691 tons of whole tree wood on Timber Sale No. 181 - Ware River Watershed. E. A. Davis Lumber will also prune 300 white pine trees to a height of 13', valued at $750.00 and provide 8 hrs. of 690 John Deere excavator or similar machine valued at $700.00, at sites designated by the Forester, which are considered partial payment for the sawlogs, cordwood and whole tree wood.
The Commission further V O T E D: to accept the highest qualified bid, that of Yankee Logging (Jepson Bros.) of $1,950.00; to purchase approximately 22,940 board feet of sawlogs and 110 cords of firewood on Timber Sale No. 182 - Ware River Watershed. Yankee Logging (Jepson Bros.) will also crush 1,000 yds. of bank run gravel valued at $2,500.00 on the Ware River Watershed as designated by the Forester, which is considered partial payment for the sawlogs and cordwood.
The Commission further V O T E D: to accept the highest qualified bid, that of Bosse Logging, of $1,550.00; to purchase approximately 9,900 board feet of sawlogs and 87 cords of firewood on Timber Sale No. 5 - Sudbury Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Robinson Forest Products, of $14,000.00; to purchase approximately 229,000 board feet of sawlogs, 5 cords of firewood and 110 cords of pulp on Timber Sale No. 6 - Sudbury Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Everett LaBree, of $2,750.00; to purchase approximately 12,545 board feet of sawlogs and 144 cords of firewood on Timber Sale No. 87 - Wachusett Reservoir Watershed.

Action was taken upon the following Various Matters:

1. Report of Mrs. O'Brien and Mr. Jackson, September 17, submitting for adoption MDC Policy and Procedures for Memorialization on Commission Properties to become effective immediately upon adoption.
Mrs. O'Brien explained that this is the second time the Policy and Procedures for Memorialization on Commission Properties has been before the Commission. She noted that the first time the matter was on the Agenda, the Commission requested that additional information be incorporated into the Policy and Procedures. This, she noted, has been done.
Following a lengthy discussion, Associate Commissioner Jones suggested that the Policy Committee seek the advice of local Art Councils on any questionable Memorials on Commission property. He then spoke of the possibility of establishing a Board to mediate any memorialization problems which might arise concerning specific Memorials. Associate Commissioner Jones reiterated that in cases where disagreement or dispute arise as to the suitability of a particular design or memorialization request, that a procedure be adopted to seek advice of outside experts. He cautioned that this should not be necessary for all requests, but only if significant legitimate concerns about the suitability of the memorial exist. He then requested that such a procedure be formulated and incorporated into the Commission's written Policy and Procedures for Memorialization on Commission property.
The Commission V O T E D: Approved with the understanding that the Policy Committee will seek comments and advise from local Art Councils and general public on matters of naming areas or structures for individuals.

2. Mrs. O'Brien presented a report on the status of the Bayside Exposition Center access road and the nearby Bloom Property. Mrs. O'Brien noted that negotiations with the owners of the Bayside Exposition Center are continuing.

The Commission then endorsed the actions taken to date and encouraged Mrs. O'Brien and staff to continue their negotiations which will, hopefully, lead to the acquisition of the Bloom Property.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary for Watershed Land Acquisition - Constables Project - (Project No. R91-0004-L1A). Estimated Cost $15,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission discussed the Watershed Land Acquisition Program including - the Constable Project, Expert Witness Project, Land Appraisal Project, and Land Survey Project at length.
Associate Commissioner Whelan stated that he would not consider the projects until such time as it is determined that MDC personnel can not provide the services.
Associate Commissioner Scandrett moved to delete the items from the agenda until such time as it is determined whether or not the five programs can be performed by MDC personnel.
The Commission V O T E D: Delete from Agenda.

2. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary for Watershed Land Acquisition - Expert Witness Project - (Project No. R91-0001-L1A). Estimated Cost $150,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Delete from Agenda.

3. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0002-L1A, Watershed Land Acquisition - Title Examination Project. Estimated Cost $50,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Delete from Agenda.

4. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0003-L1A, Watershed Land Acquisition - Land Appraisal Project. Estimated Cost $600,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Delete from Agenda.

5. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. WM91-001-L1A, Watershed Land Acquisition - Land Survey Project. Estimated Cost $350,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Delete from Agenda.

6. Report of Mrs. Anderson, September 25, recommending that the Commission authorize by deed, or, in the alternative, to adopt an order of taking for 149,507 square feet ± of land owned by H. A. Fafard and Sons Construction, Inc., subject to such approvals as may be required by law, said land being located in North Weymouth, Massachusetts, and to approve an acquisition cost or award of damages in the amount of $1,000,000.00, less the costs of removal of the contamination on site, and to approve the payment of interest and tax apportionments if the property is acquired by eminent domain taking.
The Commission once again discussed the acquisition of the Fafard property.
Associate Commissioner Whelan stated that he would not support the acquisition until such time as all legal ramifications involving landtaking, back taxes, interest and responsibility for hazardous waste removal from the property have been resolved.
Associate Commissioner Jones spoke of the importance of the property and asked that Mrs. Anderson keep Mr. Wright updated on

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the status of the acquisition of the Fafard land.
At this point, Associate Commissioner Scandrett made the following statement for the record: "Until such time as the Attorney General and/or the Bankruptcy Court affirm that we can legally place all money to be paid for this property in an escrow fund administered by the MDC, I can not vote for this acquisition. This fund will be held until all liens against this property are paid. These liens will include but not limited to, taxes on the property and the cost of removal of contaminated materials. The cost of removal of contaminated material shall be determined only after such removal is completed and approved by the Environmental Protection Agency and the Metropolitan District Commission. Such costs will not be based on preliminary estimates."
Associate Commissioner Scandrett then reiterated that he is not opposed to the acquisition of the property by the Commission.
At the request of Mrs. Anderson, the Commission V O T E D: to Delete the item from the Agenda.

1. Report of Mrs. Anderson, September 28, relative to Chapter 622 of the Acts of 1989 - "An Act Authorizing the Leasing of Certain Commonwealth Lands Under the Control of the Metropolitan District Commission and Located in the Town of Needham and Wellesley to Babson College".
(Mrs. Anderson recommends the leasing of approximately 8.6 acres of land as described in Chapter 622 of the Acts of 1989, and comprising a portion of that area previously declared surplus to the needs of the Metropolitan District Commission on February 26, 1987, to Babson College for recreational purposes upon such terms and conditions the Commission shall prescribe, in consultation with the Massachusetts Water Resources Authority and the Division of Capital Planning and Operations).
Mr. David Carson, Director of Planning for Babson College, appeared before the Commission and answered questions posed by the Commission. He noted that the area will be used solely for passive recreation and sports. The College does not plan to construct any structures on the property, he pointed out.
Associate Commissioner Jones questioned if the property will be made available not only to the residents of Needham and Wellesley, but also residents of other communities, when not in use by the College. Mr. Carson responded in the affirmative.
The Commission V O T E D: approval to lease approximately 8.6 acres of land as described in Chapter 622 of the Acts of 1989, and comprising a portion of that area previously declared surplus to the needs of the Metropolitan District Commission on February 26, 1987, to Babson College for recreational purposes upon such terms and conditions the Commission shall prescribe, in consultation with the Massachusetts Water Resources Authority and the Division of Capital Planning and Operations.
The approval is granted with the understanding that provisions be incorporated into the lease whereby the property will be made available not only to the residents of Needham and Wellesley, but also residents of other communities, when not in use by the College.

The following matters were placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from September 3, 1990 to September 10, 1990.

Expenditures	$399,881.20
Summer Youth	$ 2,412.42

3. The following schedules were approved for payment by the Commissioner during the period from September 10, 1990 to September 17, 1990.

Expenditures	$321,387.58
Summer Youth	$ 3,470.48

Adjourned at 1:30 p.m. to meet on Thursday, October 11, 1990 at 10:00 a.m.

William I. Cronin
Secretary

Record of the Three Thousand Five Hundred and Forty Third (3543rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 11, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Secretary submitted for signature the following paper:

1. Modification to existing height restriction on a parcel of land located at 460 Revere Beach Boulevard, Revere.
The Commission V O T E D: Delete from Agenda.

The Secretary then submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

2. First Amendment, dated October 11, 1990, to Contract-Agreement No. WM88-002-S1A, with the Nashua River Watershed Association, for Stillwater Watershed Protection.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and O'Connor, September 26, on bids for Tile and Miscellaneous Washings at Various Locations within the Metropolitan Parks District - 21 Month Maintenance Contract FY91 and FY92, Contract No. P91-1591-M1A. Account No. 2444-9001-12. (Messrs. Faucher and O'Connor recommend acceptance of the only bid received, that of Unique Applications, Inc., of $45,480.00).
The Commission discussed the possibility of having MDC employees perform the miscellaneous washings. Mr. Lespasio explained that the Central Services Division does not have the necessary specialized equipment nor personnel to perform the work.
The Commission, noting fiscal constraints imposed on the MDC, questioned the possibility of reducing the number of washings at various locations, thereby decreasing the overall cost of the contract.
The Commission V O T E D: Approval with the understanding that the Division will determine the final scope of the contract, keeping in mind the safety of the public using the various tunnels.

4. Report of Messrs. Faucher and Machado, October 4, recommending approval of revisions in quantities on Contract No. P87-1466-C1A, with USX, Cyclone Fence Co., for Installation of Closure Gates, Guard Rail and Fences at Various Locations, as follows:

Item No. 10	Installation of Single Leaf Gates	- $ 49,500.00
Item No. 11	Installation of Double Leaf Gates	- $ 16,700.00
Item No. 15	Furnish and Install Padlock and Key	- $ 360.00
Item No. 17	Furnish and Install P. T. Posts	- $ 900.00
Item No. 33	Bituminous Concrete Curb	- $ 6,000.00
Item No. 37	Furnish and Install New S.S. Guard Rail and Posts Straight	- $136,500.00
Item No. 38	Furnish and Install New S.S. Guard Rail and Posts Curved	- $ 1,100.00
Item No. 43	Furnish and Install Terminal End Sections	- $ 3,000.00
Item No. 53	Furnish and Install 3" x 6" Treated Wood Guard Rail on New Posts	- $ 8,750.00
Item No. 56	Furnish and Install New 4" x 10" P. T. Wood Guard Rail on New 8" x 8" P. T. Posts	- $ 27,835.00
Item No. 67	Repair or Replace Black Vinyl Clad Link Fence 6-ft. High	- $ 14,000.00
Item No. 68	Repair or Replace Galvanized Steel Chain Link Fence 8-ft. High	- $ 1,800.00
Item No. 69	Repair or Replace Black Vinyl Chain Link Fence 8-ft. High	- $ 6,600.00
Item No. 80	108 Inch Aluminum Chain Link Protective Screen Fencing	- $ 5,000.00
	Total Increase	$278,045.00

(At no additional contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Machado in their report of October 4, 1990.

1. Report of Messrs. Faucher and Higgott, October 4, recommending approval of an extension of time from October 15, 1990 to December 31, 1992, on Contract-Agreement No. P80-0844-D1A, with the Maguire Group, for Beaver Brook Reach I.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Higgott in their report of October 4, 1990.

Action was taken upon the following matters relating to the Watershed Managment Division:

2. Report of Mr. McGinn and Ms. Austin, September 26, submitting for approval and signature Joint Funding Agreement, with the United States Department of the Interior, Geological Survey, to provide funds and personnel to assist in carrying out a cooperative stream gaging program covering the period October 1, 1990 to September 30, 1991; the amount of money to be contributed by the MDC to be $20,660.00, ($17,400.00 in cash and $3,260.00 in direct services). The U.S.G.S. contribution to be $20,660.00.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, dated October 11, 1990, which was signed by the Commissioner and two Associate Commissioners.

3. Report of Messrs. McGinn and Kane, October 4, submitting for approval revised Work Schedule, Project Summary/Justification and requesting permission to readvertise Project No. WM89-016-C1A, Drilling of 3 Wells for Potable Water, Quabbin Reservoir, Belchertown, New Salem and Petersham, Massachusetts.
Account No. 2420-7880. Estimated Cost $25,000.00.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to readvertise.

Action was taken upon the following matters relating to the Office of Real Property:

4. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary for Watershed Land Acquisition - Expert Witness Project - (Project No. R91-0001-L1A). Estimated Cost $150,000.00. Time for Performance will be nine months - ending June 30, 1991. Account Nos. 2420-1846 and 2420-9883.
Mrs. Anderson explained that the funding for this project is required to pay expenses incurred by the Attorney General's Office for specialized services which can not be provided by Commission employees. She noted that the funds have been authorized by the Legislature and will be overseen by the Executive Office of Environmental Affairs.
Mr. O'Connor stated that the project is necessary in order to meet the United States 1986 Safe Drinking Water Act Amendment.
Associate Commissioner Whelan questioned why MDC staff could not perform these services. Mr. Wright stated that in Land Damage Court Cases, expert outside witnesses are necessary.
At this point, Mrs. Anderson stated that Commission employees do testify in court cases. However, she explained, expert outside witnesses are still essential.
Associate Commissioner Jones spoke of the need for further clarification of the language in both the memo of transmittal and the back-up documentation, (i.e. work schedule form should read Open Order Contract rather than Blanket Contract and the Project Summary Form should list the number of cases under litigation).
Mr. Jewett then explained that it is impossible to estimate the exact number of witnesses needed at this time.
Associate Commission Jones requested that prior to submitting the documentation, with corrections for the Commission files, that Mrs. Anderson sign the new memorandum of transmittal and all back-up documentation.
The Commission V O T E D: Approval as recommended by Mrs. Anderson in her memo of September 17, 1990, subject to submittal of the requested changes.

1. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0002-L1A, Watershed Land Acquisition - Title Examination Project. Estimated Cost $50,000.00. Time for Performance will be nine months ending June 30, 1991.
Account Nos. 2420-1846 and 2420-9883.
Associate Commissioner Whelan questioned if this service could be performed by Commission staff. Mrs. Anderson explained that we are required by the Department of Capitol Planning and Operations to hire insured independent Examiners for this service.
Associate Commissioner Jones stated for the record that the General Counsel should review Title Examinations for compliance with all aspects of land law.
Associate Commissioner Jones once again spoke of the need for further clarifications of the language in the back-up information (i.e. work schedule form should read Open Order Contract rather than Blanket Contract). He then requested that prior to submitting the documentation, with corrections for Commission files, that Mrs. Anderson sign the new memorandum of transmittal and all back-up documentation.
The Commission V O T E D: Approval as recommended by Mrs. Anderson in her memo of September 17, 1990, subject to submittal of the requested changes.

2. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. R91-0003-L1A, Watershed Land Acquisition - Land Appraisal Project. Estimated Cost $250,000.00.
Time for Performance will be nine months - ending June 30, 1991.
Account Nos. 2420-1846 and 2420-9883.
On questioning by Associate Commissioner Jones, Mrs. Anderson stated that there are 39 ownerships which must be approved by June 30, 1991.
Associate Commissioner Whelan asked if MDC employees could appraise the property. Mrs. Anderson explained that in accordance with policy established by the Division of Capital Planning and Operations, these appraisals must be performed by independent appraisers.
Associate Commissioner Jones once again spoke of the need for further clarifications of the language in the back-up information (i.e. work schedule form should read Open Order Contract rather than Blanket Contract). He then requested that prior to submitting the documentation, with corrections for Commission files, that Mrs. Anderson sign the new memorandum of transmittal and all back-up documentation.
The Commission V O T E D: Approval as recommended by Mrs. Anderson in her memo of September 17, 1990, subject to submittal of the requested changes.

3. Report of Mrs. Anderson, September 17, submitting for approval Work Schedule and Project Summary and requesting permission to advertise Project No. WM91-001-L1A, Watershed Land Acquisition - Land Survey Project. Estimated Cost $200,000.00. Time for Performance will be nine months ending June 30, 1991.
Account Nos. 2420-1846 and 2420-9883.
Associate Commissioner Scandrett stated that ideally there should be a centralized survey crew capable of handling all Commonwealth survey matters. However, he noted, under current budgetary constraints, this is impossible.
At this point, Mr. John Gatti representing the Massachusetts Organization of Scientists and Engineers requested that the Commission investigate the possibility of engaging the services of State employees to perform the survey service.
Associate Commissioner O'Malley once again reiterated that the Commission has investigated the possibility of utilizing State Employees, in lieu of 03 Consultants, on may occasions and found it impossible.
The Commission once again went on record in stating that if it were possible to hire employees to perform this service this would be done.
Associate Commissioner Jones once again spoke of the need for further clarification of the language in the back-up information (i.e. work schedule form should read Open Order Contract rather

than Blanket Contract). He then requested that prior to submitting the documentation, with corrections for Commission files, that Mrs. Anderson sign the new memorandum of transmittal and all back-up documentation.
The Commission V O T E D: Approval as recommended by Mrs. Anderson in her memo of September 17, 1990, subject to submittal of the requested changes.

Action was taken upon the following Various Matters:

1. Report of Mr. Jackson, October 5, requesting approval of a joint development project with the Department of Environmental Management of approximately three acres of parkland on Revere Beach Parkway, at no cost to the Commission.
The Commission V O T E D: Approved as recommended by Mr. Jackson in his report of October 5, 1990.

2. Report of Mr. Traficante, October 10, requesting that the Commission approve an increase in the total compensation from $29,237.66 to $30,753.08 on Contract-Agreement with Evelyn Feld as Survey Archivist, working on Federal Grant #88-113. This increase will be utilized to complete the objectives of the grant.
(Funding of the project provided by a grant from National Historic Records and Publications Commission).
The Commission V O T E D: Approved as requested by Mr. Traficante in his report of October 10, 1990.

The following matters were placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from September 17, 1990 to September 24, 1990.

Expenditures	$3,191,565.12
Summer Youth	$ 3,366.05

4. The following schedules were approved for payment by the Commissioner during the period from September 24, 1990 to October 1, 1990.

Expenditures	$255,907.17
Summer Youth	$ 2,128.01

Adjourned at 11:50 a.m. to meet on Thursday, October 17, 1990 at 10:00 a.m.

William F. Cushnie
Secretary

.52,p.43
4th
.18,1990

Record of the Three Thousand Five Hundred and Forty Fourth (3544th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 18, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Third Amendment, dated October 18, 1990, to Contract-Agreement with Evelyn Feld, as Survey Archivist.

2. Contract No. P91-1594-C1A, dated October 18, 1990, with Ernest Minelli, Inc., for Slope Protection Repairs - Pleasure Bay Causeway and Castle Island Park, South Boston.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Lenhardt, October 11, requesting approval to post restrictions to the Craigie Drawbridge over the Charles River (MDC-896-031-101), Boston, as follows:
That trucks speed be restricted to 20 miles per hour.
That the bridge be posted to statutory weight limits of -
2 axle Type H Trucks - 20 ton
3 axle Type 3 Trucks - 25 ton
5 axle Type 3S2 Trucks - 40 ton
Also requesting that Metro Police be authorized and directed to post the necessary regulatory signs.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Lenhardt in their report of October 11, 1990.
The Commission further V O T E D: to authorize and direct the Metro Police to post the necessary regulatory signs.

4. Report of Messrs. Faucher and Griffin, October 11, requesting approval of a Second Amendment to Contract-Agreement No. P78-0564-X2B, with Hayden and Wegman Consulting Engineers, for Lower Mystic Lake, Restoration, Operation and Maintenance, which will extend the completion date from December 31, 1990 to June 30, 1991.
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher and Terzian, October 11, submitting for approval and signature Joint Funding Agreement with the United States Department of the Interior, Geological Survey, to provide funds to assist in carrying out a cooperative river gaging project covering the period October 1, 1990 to September 30, 1991; the amount of money to be contributed by the MDC will be $20,400.00. USGS share will be $20,400.00. Account No. 2440-0010-TT.
The Commission V O T E D: Approved.
The Secretary then submitted for signature, Joint Funding Agreement, dated October 18, 1990, with the United States Department of the Interior, Geological Survey, which was signed by the Commissioner and four Associate Commissioners.

6, At this point, Mr. Rodrigues appeared before the Commission and concerning the status of the off-season, early ice skating rink openings.
Associate Commissioner Jones asked Mr. Wright for an update on court proceedings regarding the skating rinks. Mr. Wright responded that he had spoken to an Assistant Attorney General who indicated that he had no further information. Mr. Wright then stated that from information he had received, he felt the case would probably be dismissed since latest word received was that the rinks involved in the case would be opened.
Associate Commissioner Jones asked that any rink rental agreements be reviewed and approved by the Contract Administrator and the Legal Counsel before issued so that all Commission interests are protected.
The Commission then requested that the proposed rink rental agreements be presented to the Commission prior to next weeks meeting.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from October 1, 1990 to October 8, 1990.

Expenditures	$531,770.37
Summer Youth	$ 1,968.46

Adjourned at 11:50 a.m. to meet on Thursday, October 25, 1990 at 10:00 a.m.

William F. Crushrod
Secretary

.52,p.45
5th
.25,1990

Record of the Three Thousand Five Hundred and Forty Fifth (3545th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, October 25, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on September 27, 1990, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract Number P91-1595-C1A, dated October 25, 1990, with James J. Grant Co., Inc., for Demolition of Structures and Trash Removal at the MDC Property, located at 98 Taylor Street, Dorchester.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and O'Connor, October 18, recommending approval of an extension of time from October 31, 1990 to January 31, 1991, on Contract No. P82-1047-C1A, with J. F. White Contracting Company, for General Edwards Bridge Project, Revere/Lynn, Massachusetts.
The Commission V O T E D: to approve an extension of time from October 31, 1990 to January 31, 1991, as recommended by Messrs. Faucher and O'Connor in their report of October 18, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Lenhardt, October 15, on bids for Remedial Repairs to the Longfellow Bridge, Boston and Cambridge, Massachusetts, Contract No. P90-1590-C1A.
Account No. 2490-0012.
(Messrs. Faucher and Lenhardt recommend acceptance of the lowest bid received, that of T. Equipment Corp., of $99,050.00).
The Commission V O T E D: to accept the lowest bid, that of T. Equipment Corp., of $99,050.00.

4. Report of Mr. Faucher and Ms. Graves-Jones, October 18, on bids for Painting Lines for Parking Spaces at Various Locations in the Greater Boston Area, Contract No. P90-1589-M1A.
(Mr. Faucher and Ms. Graves-Jones recommend rejection of the bids of Markings, Inc. and Traffic Markings, Inc., due to current funding constraints. Permission is requested to readvertise the project at a future date, pending the availability of funding).
The Commission V O T E D: to reject all bids as recommended by Mr. Faucher and Ms.Graves-Jones in their report of October 18, 1990.
The Commission further V O T E D: Permission to readvertise the project at a future date.

5. Report of Messrs. Faucher and Terzian, October 19, recommending approval of an extension of time from October 19 to November 30, 1990, on Contract No. P82-0A04-C1A, with C. J. Mabardy, Inc., for Emergency Construction, United Waste Company Dam, Mother Brook, Dedham, Massachusetts.
The Commission V O T E D: to approve an extension of time, from October 19, 1990 to November 30, 1990, as recommended by Messrs. Faucher and Terzian in their report of October 19, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following Various Matters:

6. Report of Mr. Traficante, October 22, recommending that Contract-Agreement No. P89-1511-CZA, with Briggs Associates, for Industrial Hygiene Services for Asbestos Abatement, be accepted

as completed as of June 2, 1990, at a total cost of $30,458.50.
(Consultant Rating - 6.5)
Associate Commissioner Jones requested that Messrs. Jewett and Traficante keep the Commission informed of remaining asbestos abatement requirements of the Agency - particularly those that are required by law.
The Commission V O T E D: that the work of Briggs Associates, Consultant under Contract-Agreement No. P89-1511-CZA, for Industrial Hygiene Services for Asbestos Abatement, be and hereby is accepted as completed as of June 2, 1990.

1. Report of the Concession Selection Committee, October 23, relative to the award of certain skating rink concessions for the 1990-1991 and 1991-1992 skating seasons.
The Commission V O T E D: to award the following skating rink concessions for the 1990-1991 and 1991-1992 skating seasons:
(Associate Commissioners Whelan and Jones, who had excused themselves from the Meeting, did not participate in discussion nor vote on this item).

LOCATION	CONCESSIONAIRE	PERMIT FEE
LoConte Rink Medford	Medford Youth Hockey	$1,550.00 per season - plus $65.00 per month for utilities.
Cronin Rink Revere	Revere Youth Hockey	$1,450.00 per season - plus $65.00 per month for utilities.
Shea Rink Quincy	Marie & Rene Lumaghini	$1,294.00 per season - plus $65.00 per month for utilities.
Veterans Rink Somerville	Peter Piro	$1,200.00 per season - plus $65.00 per month for utilities.
Murphy Rink South Boston	South Boston Youth Hockey	$1,100.00 per season - plus $65.00 per month for utilities.
Allied Veterans Rink, Everett	Everett Youth Hockey	$1,000.00 per season - plus $65.00 per month for utilities.
Porazzo Rink East Boston	Salvatore Bellitti	$1,000.00 per season - plus $65.00 per month for utilities.
Bajko Rink Hyde Park	Hyde Park Youth Hockey	$900.00 per season - plus $65.00 per month for utilities.
Connery Rink Lynn	Edward Dooley Vending Co., Inc.	$820.00 per season - plus $20.00 per month for utilities.
Devine Rink Dorchester	Neponset Youth Hockey	$750.00 per season - plus $65.00 per month for utilities.
Emmons-Horrigan -O'Neil Rink Charlestown	Charlestown Youth Hockey	$400.00 per season - plus $20.00 per month for utilities.
Simoni Rink Cambridge	Cambridge Youth Hockey	$300.00 per season - plus $20.00 per month for utilities.

At this point, Associate Commissioner Scandrett stated that an inquiry was received recently from the Waltham Youth Hockey Association (WYHA) requesting permission to install a soft drink

vending machine at the Waltham Rink.
Following a discussion, the Commission V O T E D: to approve the request of the WYHA subject to, but not limited to, the following conditions:

1. The soft drinks must be dispensed in metal cans with self retaining tabs.
2. A fee of $20.00 per month will be paid the Commission by Waltham Youth Hockey Association to offset utility expenses.
3. The WYHA shall keep the vending machine and surrounding area in clean, sanitary and orderly condition and be responsible for picking up and disposing of all cans and litter generated by the operation of the vending machine.
4. The permit is issued subject to the right of the Commission to revoke same if it is determined it would be in the Commission's best interest.

Associate Commissioners Whelan and Jones, who had excused themselves from the Meeting, did not participate in discussion nor vote on this item.

1. Report of Mr. Lydon, October 23, on bids for Servicing HVAC Systems in Various Facilities in the South Region, Contract No. CS91-01-M1A. Account No. 2440-0010.
(Mr. Lydon recommends acceptance of the low bid, that of General Air Conditioning, of $18,262.50).
The Commission V O T E D: to accept the lowest bid, that of General Air Conditioning, of $18,262.50.

2. At this point, the Commission V O T E D: to go into Executive Session for the purpose of discussing a personnel matter determined to be confidential.
Following a lengthy discussion, concerning the matter, the Commission V O T E D: to reconvene the regularly scheduled meeting.

Adjourned at 11:35 a.m. to meet on Thursday, November 1, 1990 at 10:00 a.m.

William F. Crowley
Secretary

Record of the Three Thousand Five Hundred and Forty Sixth (3546th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 1, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on October 4, 1990, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract Number P82-0A04-C1A, dated November 1, 1990, with C. J. Mabardy, Inc., for Emergency Construction Contract United Waste Company Dam, Mother Brook, Dedham.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and O'Connor, October 23, recommending approval of revision in quantities on the following items -
Item No. 18 - Removal and Replacement of Slope Plate Edging - $100,989.35
Item No. 20 - Masonry Crack Repair - $ 3,570.00
Item No. 21 - Patch Spalled Concrete - $ 1,247.00
at a total increase of $105,806.35 on Contract No. P84-1276-C3A, with John Mahoney Construction Co., for Bridge Deck Replacement of the General E. LeRoy Sweetser Bridge, Everett.
(At no additional contract cost as the revisions will be offset by unused quantities in other items).
On questioning by Associate Commissioner Whelan, Mr. Lespasio responded that the unused quantities will come from a reduction in previously earmarked traffic control, Public Information Services and reinforcing steel.
Associate Commissioner Whelan expressed concern that by reducing the aforementioned items, the Commission will not be receiving a complete contract as previously planned. Mr. Lespasio then noted that reducing these items will not adversely effect the project in any way.
Associate Commissioner Whelan then noted that the Consultant for this project, in a letter to Mr. O'Connor dated October 5, 1990, acknowledged that the quantities on Items 18, 20 and 21 were in error due to a transcription mistake by its staff.
Associate Commissioner Whelan then questioned if the Commission would file a claim for compensation under the errors and omissions section of the Consultant's insurance.
Mr. Baratta stated that he, the Contract Administrator, and Mr. Lespasio will investigate this possibility.
Associate Commissioner Jones noted that the Consultant, Mr. O'Connor, Mr. Sacco and Mr. McCann, all acknowledged that the Consultant was responsible for the revisions, due to transcriptional error when listing the estimated quantities on the bid document. He requested that staff prepare a memo for the file outlining the Consultant's responsibility for the increases.
Associate Commissioner Whelan then stated that staff should not assume that the Consultant is not responsible for payment of the increased cost without first reviewing the insurance policy.
At this point, Mr. Baratta stated that had the quantities been correct initially, the Commission would still have paid for the increases which would have been reflected in the original bid.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and O'Connor in their report of October 23, 1990.

3. Report of Messrs. Faucher and Higgott, October 24, recommending approval of the requests of Linden Construction Company, Contractor on Contract No. P82-1079-C1A, for Repair of Seawalls and Restoration of Pavilions and Bandstand Revere Beach Reservation as follows:
(a) That the Commission rescind its vote of May 31, 1990 at which time Spector Metal Products Co., Inc. was approved as sub-contractor for Sandblasting Cast Iron, Forged Steel, Miscellaneous Metals and Galvanized Shop Painting, at a value of $815,000.00.

(b) That Auciello Iron Works be approved as sub-contractor for Structural Steel, at a value of $455,660.00.
That DeAngelis Iron Works Inc., be approved as sub-contractor for Shop Sandblasting Cast Iron and Forged Steel, Miscellaneous Metals, at a value of $175,000.00. The remainder of Spector Metal Products Co., Inc. work to be performed by the General Contractor, Linden Construction Company.

(c) That the following sub-contractors be approved by the Commission:

Santini & Sons	- Installation of Granite Planter Walls, Granite View Markers, Granite Wave Wall and Granite Masonry.	- $70,000.00
Northeast Gunite & Grouting	- Pressure Injected Grout	- $28,000.00

It was explained by Messrs. Jewett and Higgott that Spector Metal Products was unable to provide a payment and performance bond acceptable to the General Contractor's bonding company.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Higgott in their report of October 24, 1990.
Associate Commission Jones made a motion, which was seconded and approved, that the item be referred to Mr. Wright for his review to insure compliance with all aspects of the law prior to further processing.

1. Report of Messrs. Faucher and Brooks, October 26, requesting approval of Allied Weatherproofing Co., Inc., (the General Contractor), as sub-contractor on the following adjusted items on Contract No. P90-1576-C1A, for Critical Repairs to Swimming Pools -
Item 004 - Masonry - adjusted from Lump Sum of $12,000.00 to Sub-Bid of $13,608.00.
Item 007 - Waterproofing, Dampproofing and Caulking - adjusted from Lump Sum of $14,200.00 to Sub-Bid of $14,000.00.
Item 009 - Sandblasting and Painting - adjusted from Lump Sum of $27,000.00 to Sub-Bid of $24,000.00.
Messrs. Faucher and Brooks further request that the basis of award to Allied Weatherproofing Co., Inc., on May 31, 1990, be adjusted from $537,889.00 to $535,757.00, to reflect the $2,132.00 decrease.
The Commission V O T E D: to approve Allied Weatherproofing Co., inc., (General Contractor), as sub-contractor on adjusted Item Nos. 004, 007, and 009.
The Commission further V O T E D: that the basis of award to Allied Weatherproofing Co., Inc., on May 31, 1990, be adjusted from $537,889.00 to $535,757.00, to reflect the $2,132.00 decrease, as recommended by Messrs. Faucher and Brooks in their memo of October 26, 1990.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

2. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
Mr. VanWart explained that Raytheon Company is under contract with the Federal Aviation Study to help develop a Terminal Doppler Weather Radar System. The purpose of the system, he explained, is to detect dangerous wind shear and microbursts which have contributed to many aircraft accidents.
He then explained that Raytheon Company proposes to install a reflector antenna with an electrical circuit in order that the antenna assembly thereto behaves as a Moving Target Simulator on the parapet of the Blue Hills Weather Observatory. This he noted would be for the period between January 7, 1991 and July 29, 1994.
On questioning by Associate Commissioner Scandrett, Mr. VanWart stated that the Blue Hills Weather Observatory Club has endorsed the installation not only for its public safety value, but also as an educational experience for visitors to the Observatory.
Mr. VanWart further stated that the Massachusetts Historical Commission and the Blue Hills Citizens Advisory Committee, of

which the Friends of the Blue Hills is a member, have no objection to the installation.

At this point, Mr. David Higgenbottom, Test Director for Raytheon Company, explained in detail the nature of the project and the public safety benefits it will provide.

Mr. Higgenbottom stated that Raytheon Company has not been able to find any other location that is better suited than the Blue Hills Weather Observatory for the Moving Target Simulator. This site, he noted, satisfies all requirements and has none of the disadvantages associated with other choices in the area.

Mr. Higgenbottom then stated that the installation will pose no structural damage to the Observatory. In fact, he explained, the Observatory will be left in an improved condition once the Simulator is removed at the conclusion of the project.

Associate Commissioner Whelan questioned if the MDC will receive any benefit from Raytheon Company for use of the Observatory.

Mr. Higgenbottom stated that in addition to the improved public safety, the MDC and the Blue Hills Weather Observatory Club will benefit through some yet to be determined benefit. It was pointed out that Mr. VanWart and representatives of Raytheon will meet and determine the benefit.

Following a lengthy discussion, Associate Commissioners Scandrett and Jones moved that the matter be Held Over - pending further review and incorporation of the Commission's requests into a Permit by Mr. VanWart. The motion to Hold Over was seconded and approved.

The Commission requested that the following steps be taken before the Board acts on the matter:

1. A termination date be included in the proposed Permit.
2. Inclusion of the following statement in proposed Permit - Any modifications to the Permit must receive Commission approval.
3. All other groups occupying space on the Blue Hills must be notified in writing and offered an opportunity to comment on the request prior to issuance of the Permit.
4. Raytheon must prepare a document describing the characteristics of the magnetic radiation to be directed for any measurable period of time at the Blue Hills which is to be sent to all interested parties.
5. Raytheon Company to provide a corresponding benefit to the MDC for the use of the Blue Hills Observatory Tower.
6. MDC involvement in the project to be monitored closely by Mr. VanWart.
7. That a Hold Harmless Clause be incorporated into the Permit.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from October 8, 1990 to October 15, 1990.

Expenditures	$691,493.83
Summer Youth	$ 3,727.04

2. The following schedules were approved for payment by the Commissioner during the period from October 15, 1990 to October 22, 1990.

Expenditures	$715,947.52
Summer Youth	$ 1,717.52

Adjourned at 12:40 p.m. to meet on Thursday, November 8, 1990 at 10:00 a.m.

William F. Weld

Secretary

Record of the Three Thousand Five Hundred and Forty Seventh (3547th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 8, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on October 11, 1990, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract No. P90-1590-C1A, dated November 8, 1990, with T. Equipment Corp., for Remedial Repairs to the Longfellow Bridge - Boston and Cambridge, Massachusetts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Mayhew, November 1, requesting approval of the following on Contract No. P86-1393-C3A, with Bay State Contracting Co., Inc., for Rehabilitation of the Rev. Romano Simoni and Louis E. Porrazzo Ice Skating Rinks, Cambridge - Boston -
(a) Extra Work Order No. 2 - Furnishing and Installation of a Cement Grout Leveling Course on the Existing Concrete Rink Slab at Each Facility - $15,200.00.
(b) An extension of time from November 1 to December 15, 1990.
(Funds for the Extra Work Order are available in Account No. 2440-7885).
On questioning by Associate Commissioner Jones, Mr. Mayhew explained that the Cement Grout Leveling Course work will be done at both facilities at a cost of $7,600.00 per rink.
Mr. Mayhew then explained that the basis of award of the contract was $2,109,000.00.
Associate Commissioner Jones then requested that Mr. Mayhew provide for the files of the Secretary's Office a memo outlining the reasons for the Extra Work Order.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $15,200.00.
The Commission further V O T E D: to approve an extension of time from November 1, 1990 to December 15, 1990, as requested by Messrs. Faucher and Mayhew in their report of November 1, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Griffin, October 31, requesting approval of an extension of time from November 8, 1990 to January 7, 1991, on Contract No. P84-1276-C6A, with P. R. Johnson, Inc., for Greenberg Bridge - Tide Gate Repairs.
The Commission V O T E D: to approve an extension of time from November 8, 1990 to January 7, 1991, as requested by Messrs. Faucher and Griffin in their report of October 31, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Mr. Faucher and Ms. Graves-Jones, November 1, recommending approval of a revision in quantities on Item No. 005-010 - Reflectorized Line, Thermoplastic - at an increase of $25,000.00, on Contract No. P88-1540-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings - Various Districts.
(At no additional contract cost as the revision will be offset by unused quantities in other items).
The Commission V O T E D: approved as recommended by Mr. Faucher and Ms. Graves-Jones in their report of November 1, 1990.

5. Report of Messrs. Faucher and Lespasio, November 2, recommending that the Commission amend its vote of April 14, 1988 by changing

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Item B to read as follows, "Mass General Hospital shall construct a Traffic Safety Facility, costing approximately $100,000.00, at the exit of the Storrow Drive Tunnel leading to Arlington Street."

Mr. Lespasio explained that as a result of the Commission vote of April 14, 1988, the Massachusetts General Hospital undertook and completed design work and is now ready to move forward with the construction of a Traffic Control Facility with an approximate cost of $100,000.00. The facility, he noted, will be installed at the exit of the Storrow Drive Tunnel, leading to Arlington Street.

Mr. Lespasio stated that in addition to providing a barrier, which will help prevent accidents, and reduce damage to the guardrail at this location, a further benefit will be improvements to the tunnel roof. In addition, shrubbery planted in the facility, will reduce glare for vehicles travelling in the opposite direction. The shrubs will also improve aesthetics at this location.

The Commission V O T E D: to amend its vote of August 14, 1988 by changing Item B to read as follows, "Mass General Hospital shall construct a Traffic Safety Facility, costing approximately $100,000.00, at the exit of the Storrow Drive Tunnel leading to Arlington Street", as recommended by Messrs. Faucher and Lespasio in their report of November 2, 1990.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.

Associate Commissioner Jones requested that the Friends of the Blue Hills, the Blue Hills Citizens Advisory Group, the Blue Hills Observatory Weather Club and those who have equipment located on Big Blue be offered an opportunity to be present and comment on the installation, once the matter is scheduled for action by the Commission.

The Commission V O T E D: Held Over.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from October 22, 1990 to October 29, 1990.

Expenditures	$1,116,762.28
Summer Youth	$ 1,281.94

Adjourned at 11:15 a.m. to meet on Thursday, November 15, 1990 at 10:00 a.m.

William H. Cole
Secretary

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Record of the Three Thousand Five Hundred and Forty Eighth (3548th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 15, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on October 18, 1990, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Okeke, October 19, recommending the following on Contract No. P90-1578-C1A, with Carl Louis & Co., Inc., for Critical Repairs to Skating Rinks at Various MDC Locations -
(a) That work be accepted as completed as of October 12, 1990.
(b) That Estimate No. 4 (Final), in the amount of $4,092.00, be approved for payment.
(c) That reserve, in the amount of $8,700.36, be approved for payment on December 16, 1990.
(Basis of Award - $169,700.00)
(Total to Date - $174,007.36)
(Contract Administration Rating - 3.70)
(EEO Compliance - 5.00)
The Commission V O T E D: that the work of Carl Louis & Co., Inc., Contractor under Contract No. P90-1578-C1A, for Critical Repairs to Skating Rinks at Various MDC Locations, be and hereby is accepted as completed as of October 12, 1990.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $4,092.00, for payment.
The Commission further V O T E D: to approve release of reserve on December 16, 1990, in the amount of $8,700.36, for payment.

2. Report of Messrs. Faucher and Brooks, November 8, on bids for Maintenance of Refrigeration Systems Located within Skating Rinks of the Metropolitan Parks System, Contract No. P90-1587-M1A. Account No. 2440-0010-12.
(Messrs. Faucher and Brooks recommend acceptance of the lowest bid received, that of Lewis Refrigeration of $659,980.00).
The Commission V O T E D: to accept the lowest bid received, that of Lewis Refrigeration of $659,980.00.

3. Report of Messrs. Faucher and Lespasio, November 5, recommending approval of Extra Work Order No. 5, in the amount of $3,452.17, for Repairs to Sprinkler Systems, on Contract No. P82-1047-C2A, with John Mahoney Construction Company, Inc., for Rehabilitation of Lynnway/Carroll Parkway.
(At no additional contract cost as the extra work will be offset by unused quantities in other items).
On questioning by Associate Commissioner Jones, Mr. Lespasio explained that the Extra Work Order is necessary so that repairs and modifications can be made to the existing sprinkler systems in the Heritage State Park and North Shore Community College properties. The systems, he noted, were not in the original as-built plans for the park, which were provided to the MDC. Therefore, the contractor was not aware of the locations of the systems and consequently they were damaged during construction and required repair or replacement.
Associate Commissioner Jones then suggested that a letter be sent to the Heritage Park Project Manager advising him of the problem and the need to coordinate any future construction work with the Commission.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $3,452.17.

4. Report of Messrs. Faucher and Young, October 23, recommending approval of revisions in quantities on the following items -
Item No. 1 - Street Light Knockdown (metal) - $ 2,340.00
Item No. 2 - Street Light Knockdown (aluminum) - $ 2,250.00
Item No. 34 - Mercury Vapor Lamp - 250 Watt - $ 1,732.50
Item No. 42 - Photo Cell - $ 1,036.75

Item No. 60 - Mercury Fixture 400W, Nantasket - $ 1,130.50
Revere, Medford
Item No. 71 - Licensed Electrician - $13,200.00
Item No. 72 - Licensed Electrician's Helper - $19,560.00
Item No. 73 - Vehicle for Miscellaneous Repairs - $ 9,300.00
at a total increase of $50,549.75, on Contract No. P90-1570-M1A, with Penachio Brothers Electrical Corp., for Maintenance of Street Lighting Systems on Roadways and Parkways of the MDC. (At no additional contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Young in their report of October 23, 1990.

1. Report of Messrs. Faucher and Machado, November 8, recommending approval of the request of USX Cyclone Fence Co., Contractor on Contract No. P87-1466-C1A, for Installation of Closure Gates, Guard Rail and Fences at Various Locations in the Metropolitan District Park System, to engage the services of Steidler Construction Inc., as sub-contractor for -
Item No. 37 - Steel Beam Guard Rail - $136,500.00
Item No. 38 - Steel Beam Guard Rail Curved - $ 1,100.00
Item No. 43 - Terminal Sections - $ 3,000.00
at a total cost of $140,600.00.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Arinella, November 1, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P90-1577-C7A, Replacement of 100 Gallon Commercial Water Heater, Charles River Locks and Dam, Charlestown.
Estimated Cost $3,500.00. Account No. 2440-7893.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Arinella, November 1, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P90-1577-C9A, Installing Cross Connections, Back Flow Preventors and Sewer Meter at the Charles River Dam.
Estimated Cost $37,500.00. Account No. 2440-7893.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and O'Connor, November 5, on proposals for the purchase of forest products located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the only qualified bid, that of Prevost Forest Products, of $2,417.86; to purchase approximately 200 cords of pulp on Roadside Sale No. 35 - Quabbin Reservoir Watershed; Prevost Forest Products will also purchase and deliver to the New Salem Forestry Office, parts for the Fortec Feller-Buncher and oil and lubrication fluid for forestry machinery valued at $2,202.14, which is considered partial payment for the pulp.

Action was taken upon the following matter relating to the Central Services Division

5. Report of Mr. Lydon, November 7, on bids for Servicing HVAC Systems in Various Facilities in the North Region, Contract No. CS91-02-M1A. Account No. 2440-0010.
(Mr. Lydon recommends acceptance of the lowest bid received that of P. J. Kennedy & Sons., Inc., of $19,000.00).
The Commission V O T E D: to accept the lowest bid received that of P. J. Kennedy & Sons., Inc., of $19,000.00.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

6. Report of Mr. VanWart, October 10, recommending approval of the

issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

1. At this point, the Commission V O T E D: to recess until 1:00 p.m.
Following a one and one half hour recess, the Commission V O T E D: to reconvene and take under consideration action on the remaining items on the Agenda.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

2. Report of Mr. Rodrigues, November 8, submitting 1990-1991 Public Ice Rink Schedule, Fees, Rental Charges and Regulations.
On motion of Associate Commissioner O'Malley, which was seconded, the Commission V O T E D: to approve the 1990-1991 Public Ice Skating Rink Schedule, Fees, Rental Charges and Regulations, subject to the availability of funds.
The Commission further V O T E D: to delete Section 7 of Mr. Rodrigues's recommendation (Ice Rink Priorities) and authorize the Commissioner to make administrative decisions regarding ice rental priorities.

1. **OPENING AND CLOSING DATES**

*Sunday, November 18, 1990 throughout the close of the business day on Saturday, March 17, 1991 for the following rinks which have been opened for hockey only.

Veterans Memorial Rink, Totten Pond Road, Waltham
Veterans Memorial Rink, Somerville Ave., Somerville
Emmons-Horrigan-O'Neil Rink, Rutherford Ave., Charlestown
Connery Memorial Rink, Shepard Street, Lynn
Cronin Memorial Rink, Revere Beach Parkway, Revere
LoConte Memorial Rink, Veterans Memorial Parkway, Medford
Allied Veterans Rink, Elm Street, Everett
Murphy Memorial Rink, Day Boulevard, South Boston
Devine Memorial Rink, Morrissey Boulevard, Dorchester
Shea Memorial Rink, Willard Street, Quincy
Bajko Memorial Rink, Turtle Pond Parkway, Hyde Park

*The following rinks will open on Saturday, December 1, 1990 and close on Saturday, March 17, 1991.

Simoni Memorial Rink, Gore Street, Cambridge
Porrazzo Memorial Rink, Constitution Beach, East Boston

2. **ADMISSION AND RENTAL FEES**

A. Public Session:
$ .75 - Under 18 years of age at all sessions.
$ .50 - Senior citizens (65 years of age or older) at all sessions.
$ 3.00 - 18 years of age and over at all sessions.
B. Ice Rental:
$90.00 - per fifty (50) minutes ($1.80 per minute).

3. **SPECIAL PRIVILEGES**

A. Public, private and parochial schools in the Metropolitan Parks District shall be permitted to use the rinks free of charge from 9:00 a.m. to 12 noon on school days for recreational skating.

B. Adults accompanying children under ten (10) years of age are to be permitted to use the rinks free of charge on weekday morning and afternoon sessions.

4. **HOLIDAY SCHEDULE**

A. Rinks will be closed on the following holidays:

Thanksgiving.....All Day
Christmas Eve.....12 Noon
Christmas Day.....All Day
New Year's Eve.....12 Noon
New Year's Day.....All Day

B. Schedule at all rinks will not be changed during holiday vacation times. Public skating during open hours.

5. **ICE RENTAL CANCELLATION NOTICE**

The renter shall be charged for all ice time contracted or scheduled. No cancellations will be accepted. In the event that the same time period is not utilized two consecutive times, that time period may be rented to another group. However, the rental fee will not be charged if the time period is cancelled due to the fault of the MDC or if weather conditions are such that both the Rink Manager and Team agree that hazardous conditions exist.

6. **PAYMENTS**

All rental charges for ice time must be paid for a week in advance at the District Office. The only exception will be municipally funded organizations. Payment must be made by money order or certified check only.

1. Report of Mr. Rodrigues, November 6, recommending approval of a permit with Charles River Recreation for operation of the Weston Ski Touring Center, at the Leo J. Martin Golf Course, for the period from December 3, 1990 through March 24, 1991.
Following a lengthy discussion, Associate Commissioner Scandrett moved that the item be Held Over until the Commission receives a report regarding the apparent increase in fees during the 1989-1990 season without prior Commission approval.
Associate Commissioner Scandrett further requested that the Commission be provided with a 1989-1990 Financial Statement from Charles River Recreation, Inc., concerning the Weston Ski Touring Center at the Leo J. Martin Golf Course.
The Commission V O T E D: Held Over pending receipt of the aforementioned report and financial statement.

Action was taken upon the following matter relating to the Office of Real Property:

2. Report of Mrs. Anderson, November 14, recommending that the Commission adopt an order of taking for acquisition of 149,507± square feet of land owned by H. A. Fafard & Sons Construction, Inc., in North Weymouth, and to approve an award of damages in the sum of $750,000.00 and a total payment of such damages and such costs as legally required under G.L. c. 79, SS.6 and 12, not to exceed $775,000.00.
Mrs. Anderson explained that this parcel of land was identified in March of 1988 as a priority acquisition. As a result, she noted,, an independent fee appraisal was prepared and updated on September 4, 1990. The appraisal notes that hazardous waste contamination exists at the site, and that the estimated clean-up costs will be deducted from the $1,000,000.00 fair market value for the property.
Mrs. Anderson then noted that the owner of the property is under federal court reorganization protection and is attempting to reorganize its business. As a result, the Real Property Office has requested and received the assistance of the Attorney General's Office with regards to negotiations, she explained.
She further explained that because of the evidence of contamination on the site, the advice of the Department of Environmental Protection (DEP) was requested and received. Based on conclusions of DEP, the MDC Consultant updated his appraisal as of November 13, 1990.
As a result of the updated appraisal, the fair market value has been set at $750,000.00, reflecting the deduction of the estimated clean-up costs of $250,000.00 from the original fair

market value, Mrs. Anderson noted.

At this point, a lengthy discussion ensued concerning the estimated cost of removing and or treating the contaminated soil. It was noted by the Commission that the removal and or treatment of the contamination could cost the Commission upwards or beyond $600,000.00.

Associate Commissioner Whelan questioned where the additional funds will come from. Mrs. Anderson stated that she did not feel that the contamination is a major problem. However, she explained, additional funding if needed would be provided by the Commonwealth.

At this point, Associate Commissioner Jones requested that Mrs. Anderson and Mr. Gray prepare a statement incorporating the reasons for acquiring the property; the problems that were presented to the Commission for consideration so that the members may make a fully informed vote and that this statement be expanded on in a memorandum to be presented to the Board for signature and incorporated into the minutes of a later Commission meeting.

The Commission V O T E D: to adopt an order of taking for acquisition of 149,507± square feet of land owned by H. A. Fafard & Sons Construction, Inc., in North Weymouth, and to approve an award of damages in the sum of $750,000.00.
Associate Commissioner Whelan voted in opposition to the Order of Taking.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, November 15, 1990.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated on the northerly side of Bridge Steet in the Town of Weymouth in the County of Norfolk and Commonwealth of Massachusetts, shown as Lots A, B and C on a plan of land entitled "Subdivision Plan of Land in Weymouth, Mass. for Robert S. Cutler", dated February 20, 1964, prepared by Tassell & Healy Land Surveyors, and recorded with Norfolk County Registry of Deeds as Plan No. 846 of 1976 in Book 5288, Page 730, which plan shall be made a part of this order, namely; a parcel bounded and described as follows:

Beginning at a point on the northerly side line of Bridge Street (known as Route 3A), a state highway, two hundred ninety-three and 84/100 (293.84) feet westerly of a highway bound located on the northerly side line of Bridge Street as shown on "Plan of Road in the Town of Weymouth, Norfolk County, laid out as a State Highway by the Department of Public Works, August 4, 1942", said bound being located opposite and fifty (50) feet northerly at right angle to base line station 91+48.01 of State Highway layout; thence running as follows:

WESTERLY along said northerly side line a distance of four hundred and thirty-six and 9/100 (436.09) feet to a point where said northerly line is intersected by the easterly side line of lands heretofore deeded by Bradley Park Development, Inc. to Harry and Eva Hanson by deed recorded with Norfolk Deeds in Book 2572, Page 442; thence running

LOCATION OF PROPERTY: 770-780 BRIDGE STREET, WEYMOUTH, MA.

The attached statement was prepared by the Office of Real Property as a condition to the approval of the acquisition of the Fafard property. The statement was reviewed by Noel Baratta and Commissioner Bhatti.

If it meets with Commission approval, it will be incorporated into the minutes of the meeting of November 29, 1990.

Bill Crowley

ADDED ITEM: . . . 3548th MEETING . . . NOVEMBER 15, 1990

OFFICE OF REAL PROPERTY:

1. Report of Mrs. Anderson, November 14, recommending that the Commission adopt an order of taking for acquisition of 149,507± square feet of land owned by H. A. Fafard & Sons Construction, Inc., in North Weymouth, and to approve an award of damages in the sum of $750,000.00 and a total payment of such damages and such costs as legally required under G.L. c. 79, SS.6 and 12, not to exceed $775,000.00.

STATEMENT TO BE INCORPORATED INTO THE MINUTES OF THE COMMISSION MEETING OF NOVEMBER 29, 1990, AS REQUESTED BY THE COMMISSIONERS

On November 15, 1990, the Commissioner and three of the four Associate Commissioners in attendance at the 3548th meeting of the Metropolitan District Commission, voted to adopt an order of taking, with Associate Commissioner John A. Whelan voting in opposition, for the acquisition of approximately 149,507 square feet of land and the buildings thereon located at 770-780 Bridge Street in Weymouth, Massachusetts, awarding damages to the owner, H.A. Fafard & Sons Construction, Inc., as Debtor-in-Possession, in an amount not to exceed $ 775,000.00.

The Commission approved this acquisition after being informed by the Director of the Real Property Office, Ellen H. Anderson, that environmental assessments on file with the Real Property Office and with the Massachusetts Department of Environmental Protection, indicate the presence at the site of soil and groundwater contamination by petroleum product. Because of this contamination, the Commission is aware that, upon acquiring the subject property, the Metropolitan District Commission assumes the direct responsibility, on behalf of the Commonwealth, of complying with state and federal statutes which require assessment, containment and/or removal of this contamination.

Under M.G.L. c. 21E, as amended, such an assessment and remediation process is clearly defined. The Commission is aware that such contamination may have leached or may continue to leach into the waters of the Back River, or into the groundwater of adjoining and abutting properties; furthermore, the Commission is aware that additional environmental assessments may reveal more widespread or diverse consequences of this contamination as it impacts upon the water quality of the immediate area and areas beyond the subject property. The Commission is also aware that preliminary environmental assessments establish the estimated costs of containing and/or removing this contamination, at costs which could range from $ 200,000.00 up to or beyond $ 600,000.00. At this time, it is believed that the same account which is funding this acquisition (Account No. 2440-8886) shall also constitute the source for funding all costs to fund remediation on the site, pursuant to section 32 of Chapter 564 of the Acts of 1987:

> The commissioner of the metropolitan district commission is hereby authorized to expend a sum not exceeding forty-eight million dollars for land acquisition and related improvements on properties within the metropolitan park district, and land in and around rivers, streams, ponds and marshes ... within the jurisdiction of the metropolitan district commission to provide or enhance public access to or enjoyment of such rivers, streams, ponds and marshes. Notwithstanding the provisions of any general or special law to the contrary, the metropolitan district commission is hereby authorized to carry out site clearance including demolition of structures, and preparation, relocation, reclamation and development which said commission deems necessary and appropriate **to restore and improve the natural setting of said land, rivers, streams, ponds and marshes and improve the water quality thereof** [Emphasis added]. The amounts hereby appropriated shall be in addition to any funds previously appropriated for this purpose.

The Commission hereby acknowledges both its adherence to and support of the Massachusetts Contingency Plan prepared in accordance with M.G.L. c. 21E, s. 3, as well as those attendant federal laws and regulations which comprise the National Contingency Plan. The Commission is hopeful that the costs of containing and/or removing the contamination which exists on the subject property, will not exceed $ 250,000.00; however, the Commission is well aware that such costs may exceed $ 600,000.00.

Nevertheless, this Commission, as voting on November 15, 1990, believes that the costs of acquiring and restoring the subject property are reasonable and defensible, in light of the overriding necessity for purchasing this land in Weymouth. For this land is contiguous to that property in Weymouth which has become known as "Abigail Adams Park", and as such represents an expansion of that parkland, and therefore accomplishes several important public purposes which are consistent with the above-cited authorizing legislation: 1.) an acquisition of open space for land conservation; 2.) an acquisition of land for the protection and preservation of the Back River watershed; 3.) an acquisition to enhance public access to and enjoyment of such parkland and the Back River; and 4.) an acquisition to restore the natural setting of the land.

This statement, then, is intended to document that this Commission approved the acquisition of this property after being informed of all the attendant fiscal and technical problems associated with taking this property. In addition to the costs and responsibilities of environmental remediation, this Commission was duly informed that its immediate approval was required, for several reasons:
1.) due to the on-going crisis with the state budget, access to the funds to acquire this property could not be guaranteed for any considerable length of time;
2.) prolonged negotiations with the owner of the property, a corporation which has filed for protection under federal bankruptcy laws and which is undergoing federal court-ordered reorganization, failed to produce a proposed purchase price which both parties could agree upon, based upon appraisals and especially based upon on-going environmental assessments of the contamination on the site;
3.) prompt action would ensure that the federal bankruptcy court would monitor and adjudge any apportionment of the proceeds from check in payment of a pro tanto award to the owner, in full satisfaction of all creditors presently seeking satisfaction of their claims against the owner, and in full discharge and settlement of all lienholders of record against the property; and 4.) prompt action would ensure that no other parties could successfully petition the federal bankruptcy court to purchase this property, and thereby prolong the time required to negotiate and acquire this property from such other entity.

In light of the foregoing fiscal and technical problems, and based upon the foregoing facts, information and constraints, this Commission voted to approve the taking of the above-described premises. Due to the presence of such contamination, and based upon the recommendation of Ms. Anderson of the Real Property Office, and upon the advice and counsel of the Eminent Domain Division of the Massachusetts Department of the Attorney General, the Commission awarded damages in in amount not to exceed $ 750,000.00, reflecting the adjustment of the fair market value of the property by deducting the estimated cost of remediation, $ 250,000.00, from $ 1,000,000.00.

This statement was prepared as a condition to the approval of this acquisition by the Commission on November 15, 1990, to be duly incorporated into the minutes of the meeting of the Commission on November 29, 1990, as directed.

WITNESS the hands and seals of the undersigned, on the dates duly indicated.

Date:_____

_____
Ellen H. Anderson, Director
Real Property Office

Date:_____

_____
Thomas J. Gray, Consultant
Real Property Office

Date:_____

_____
M. Ilyas Bhatti, Commissioner

Date:_____

_____
William J. Jones,
Associate Commissioner

Date:_____

_____
Dwight M. Scandrett,
Associate Commissioner

Date:_____

_____
Dorothy Volpe-O'Malley,
Associate Commissioner

Date:_____

_____
John A. Whelan,
Associate Commissioner

NORTHERLY along said easterly line of Hanson and of said line extended approximately three hundred and twenty (320) feet to the southerly line of Sampsons Cove (Weymouth Back River); thence running

NORTHERLY and EASTERLY along the line of Sampsons Cove to a point where the same is intersected by a line running N. 8 degrees 13' 10" W. from the point or place of beginning; and thence running

SOUTHERLY approximately three hundred and seventy (370) feet S. 8 degrees 13' 10" E. to the point or place of beginning.

Containing 149,507 square feet of land, more or less.

Meaning and intending to take hereby the above premises, being the same premises described in a deed from Benjamin Tessler, as duly appointed and empowered Trustee in Bankruptcy, U.S. Bankruptcy Court Case No. 87-10266-CJK, to Michael T. Flibotte, dated December 28, 1987, and recorded with Norfolk Registry of Deeds in Book 7845, Page 278, howsoever the same may be bounded and described, including any fee interest held by the supposed owner in and to said Bridge Street.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
H. A. Fafard & Sons Construction, Inc., Debtor-in-Possession, U.S. Bankruptcy Court Cases Nos. 90-40962 through 90-40968	$ 750,000.00

The Commission further V O T E D: to award of damages in the sum of $750,000.00 and a total payment of such damages and such costs as legally required under G.L. c. 79, SS.6 and 12, not to exceed $775,000.00.
Associate Commissioner Whelan voted in opposition to the Order of Taking.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from October 29, 1990 to November 5, 1990.

Expenditures	$1,691,240.52
Summer Youth	$ 1,158.79

Adjourned at 2:00 p.m. to meet on Thursday, November 29, 1990 at 10:00 a.m.

William F. Cunkle
Secretary

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Record of the Three Thousand Five Hundred and Forty Ninth (3549th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, November 29, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on October 25, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and Four Associate Commissioners:

1. Contract No. CS91-01-M1A, dated November 29, 1990, with General Air Conditioning, for Servicing HVAC Systems in Various Facilities in the South Region.

2. Contract No. P91-1591-M1A, dated November 29, 1990, with Unique Applications, Inc., for Tile and Miscellaneous Washings at Various Locations within the Metropolitan Parks District.

3. Contract No. P90-1587-M1A, dated November 29, 1990, with Lewis Refrigeration, for Maintenance of Refrigeration Systems Located within Skating Rinks of the Metropolitan Parks System.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Abounaja, November 19, recommending approval of Extra Work Claim No. 2, in the amount of $2,271.98, for fence and gate work on Contract No. P88-1542-C1A, with Brightway Corporation, for Improvements to Johnson Playground. Funds available in Account No. 2440-8887.
The Commission V O T E D: to waive the provisions of Article XVIII relative to Claims for Payment for Extra Work and approve Extra Work Claim No. 2, in the amount of $2,271.98, for the cost of fence and gate work that was not included in the original contract.

5. Report of Messrs. Faucher and Carrigan, November 16, recommending approval of revisions in quantities on the following items -

Item No. 002-010	- Cold Planing	- $17,550.00
Item No. 007-010	- Bituminous Concrete	- $53,900.00
Item No. 016-010	- 4" Pavement Markings	- $ 9,000.00
Item No. 019-010	- Pavement Symbols and Legends	- $ 600.00

at a total increase of $81,050.00, on Contract No. P84-1315-C6A, with Trimount Bituminous Products Co., for Resurfacing Sections of Metropolitan District Commission Parkways - Various Locations. (At no additional contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Carrigan in their report of November 16, 1990.

6. Report of Messrs. Faucher and O'Connor, November 9, recommending approval of an extension of time from November 12, 1990 to December 31, 1990, on Contract No. P84-1276-C3A, with John Mahoney Construction Co., for Replacement of the General E. LeRoy Sweetser Bridge Deck, Everett, Massachusetts.
Associate Commissioner Whelan questioned the status of the request he made at the meeting of November 9, 1990, regarding possible reimbursement to the MDC, from the Consultants' errors and omissions insurance, for underestimated quantities on this project.
He then noted that it should not be assumed that the Commission cannot be reimbursed for the Consultant's errors.
Mr. Lespasio explained that he is pursuing the matter and, hopefully, will have an answer for the Commission in two weeks time.
The Commission V O T E D: to approve an extension of time, from November 12, 1990 to December 31, 1990, as recommended by Messrs. Faucher and O'Connor in their report of November 9, 1990, to be effective, however, only upon receipt of the written consent of

the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Mr. Faucher and Ms. Graves-Jones, November 21, recommending approval of an extension of time from November 20, 1990 to December 31, 1990, on Contract No. P88-1540-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings - Various Districts.
The Commission V O T E D: to approve an extension of time, from November 20, 1990 to December 31, 1990, as recommended by Mr. Faucher and Ms. Graves-Jones in their report of November 21, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Giella, November 19, recommending approval of an extension of time from November 3, 1990 to August 31, 1991, on Contract No. P85-1342-C1A, with C. J. Mabardy, Inc., for Construction of Riverwalk Park, Waltham.
The Commission V O T E D: to approve an extension of time from November 3, 1990 to August 31, 1991, as recommended by Messrs. Faucher and Giella in their report of November 19, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Office of Landscape Architect:

3. Report of Mr. Jackson, November 16, recommending approval of revisions in quantities on the following items -
Item No. 1 - Pin Oak - $2,020.00
Item No. 6 - Goenveldt Elm - $ 430.00
at a total increase of $2,450.00, on Contract No. P90-1573-C1A, with Brightway Corporation, for 1990 Parkway Landscape Improvements.
(At no additional contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Mr. Jackson in his report of November 16, 1990.

4. Report of Mr. Jackson, November 15, requesting the following:
1. Acceptance of a memorial, donated by the Greater Boston Coalition of Black Graduate Students, honoring the 54th Regiment Infantry, the 55th Regiment Infantry and the 5th Regiment Cavalry, to be installed at Camp Meigs, Readville.
2. Authorization to advertise for the fabrication of a commemorative plaque, at an estimated cost of $1,200.00, to be installed at Camp Meigs, memorializing the three African-American Regiments which trained at the Camp during the Civil War.
(Account No. 2448-0000).
Associate Commissioner Jones spoke of the significance of Camp Meigs during the Civil War. He noted that the Camp was a training area for the Massachusetts Volunteer Militia Regiments. In addition, he explained, it was the mustering site for the 54th Regiment Infantry, the first African-American regiment in an eastern state, the 55th Regiment Infantry and the 5th Regiment Cavalry, which were also African-American regiments. He then pointed out that until recently there were no signs at the site identifying it as Camp Meigs nor as MDC property. Since that time, signs have been erected, a clean-up has been conducted and several site improvements have been made, he explained.
At this point, the Commission thanked Associate Commissioner Jones, Peter Jackson, Aimee Charlton, Al Schroeder, Bill Stokinger, as well as other MDC staff and the Greater Boston Coalition of Black Graduate Students for their combined efforts leading to site improvements and historic recognition for the Camp.
The Commission V O T E D: to accept the memorial, donated by the Greater Boston Coalition of Black Graduate Students, honoring the 54th Regiment Infantry, the 55th Regiment Infantry and the 5th

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Regiment Cavalry, to be installed at Camp Meigs, Readville.
The Commission further V O T E D: Permission to advertise for the fabrication of a commemorative plaque, at an estimated cost of $1,200.00, to be installed at Camp Meigs, memorializing the three African-American Regiments which trained at the Camp during the Civil War.
At this point, Associate Commissioner Jones pointed out the interest shown by Governor Michael S. Dukakis in the effort, and in particular, his intercession with Freddie Field, the producer of the film "Glory", which led to obtaining the use of the film for fund raising purposes.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, November 13, on bids for Potable Drilled Wells, Quabbin Reservoir, Belchertown, New Salem, and Petersham, Massachusetts, Contract No. WM89-016-C1A. Account No. 2420-7880.
(Messrs. McGinn and Kane recommend acceptance of the lowest bid received, that of LaFramboise Well Drilling, Inc., of $20,400.00).
The Commission V O T E D: to accept the lowest bid received, that of LaFramboise Well Drilling, Inc., of $20,400.00.

2. Report of Mr. McGinn, November 26, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1690, conveying Southerly 1/2 of Lot No. 1245, to Mr. Everett L. Coit.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1690, dated November 29, 1990, which was signed by the Commissioner and two Associate Commissioners.

3. Report of Mr. McGinn, November 26, submitting for approval and signature Quabbin Park Cemetery Deed No. Q-1689, conveying North West 1/4 of Lot No. 717, to Mr. Lionel E. Buzzard.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1689, dated November 29, 1990, which was signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following matters relating to the Central Services Division:

4. Report of Mr. Lydon, November 14, on bids for Repair Service for Overhead Garage Doors, Contract No. CS91-03-M1A. Account No. 2440-0010.
(Mr. Lydon recommends acceptance of the lowest bid received, that of Collins Overhead Door Co., of $4,800.00).
The Commission V O T E D: to accept the lowest bid, that of Collins Overhead Door Co., of $4,800.00.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

5. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

6. Report of Mr. Rodrigues, November 6, recommending approval of a permit with Charles River Recreation for operation of the Weston Ski Touring Center, at the Leo J. Martin Golf Course, for the period from December 3, 1990 through March 24, 1991.
Associate Commissioner Scandrett questioned why some fees approved in the Agreement between the Commission and Charles River Recreation, Inc. (CRRI), for the period 1988-1989 and 1989-1990 were increased for the 1989-1990 season without first

obtaining Commission approval. He then stated that the 1989-1990 increased rates charged the public by (CRRI), should be reviewed and considered by the Commission before a new permit is approved for the period from December 3, 1990 through March 24, 1991.
Mr. Rodrigues addressed the Commission and explained that he had a request from Charles River Recreation for the fee increases, prior to the opening of the 1989-1990 season. However, he explained, through an oversight, the request for fee increases was not presented to the Commission for approval. He noted that when he originally spoke to Mr. Lawrence Smith of CRRI, he informed him that he did not foresee any problems with the Commission approving the proposed fee increases. Not hearing from Mr. Rodrigues, and with the necessity of printing advertising material listing the new 1989-1990 rates, CRRI moved forward with the proposed rate increases, Mr. Smith stated.
Mr. Rodrigues then explained that he was not aware of the increased rates until so informed by Associate Commissioner Scandrett in early 1990.
At this point, Mr. Smith, President of CRRI, addressed the Commission and explained that during the 1988-1989 cross country season he operated the facility at a loss and therefore, he found it necessary to increase certain rates. He pointed out that even with the increases, CRRI fees were lower than any similar operation in the area.
Mr. Smith stated that Mr. Rodrigues informed him he foresaw no problem with the increases, but he would have to go through formal channels before increases were permitted.
Mr. Rodrigues assumed the Commission would permit certain fee increases, because it voted to reduce Commission compensation during the 1988-1989 season.
The Commission then addressed the matter of a new permit for the period from December 3, 1990 through March 24, 1990.
Associate Commissioner Whelan questioned if Mr. Rodrigues felt the Permit Fee of $3,000.00 plus 20% of all gross revenues in excess of $180,000.00, including trail and track fees, equipment rental, food sales, retail sales and instruction was fair compensation to the MDC. Mr. Rodrigues stated that he had met with Messrs. Jewett and Wright concerning this matter and all agreed the permit fee was fair to both parties.
On questioning by the Commission, Mr. Rodrigues explained that MDC personnel have not and will not be used in the operation.
The Commission then spoke of the outstanding record of CRRI and the value of the program.
Associate Commissioner Scandrett then noted that the reduction in CRRI's 1990-1991 permit fee to the MDC is necessary so that CRRI can remain in operation this winter season.
The Commission V O T E D: to approve the 1990-1991 fee schedule as outlined in Mr. Rodrigues' memo as follows:

Rental Fee	-	$ 9.00
Trail Fee	-	$ 8.00
Children's Instruction	-	$ 8.00 per hour
Adult Instruction	-	$10.00 per hour -

with compensation to the Commission of $3,000.00, plus 20% of gross revenues in excess of $180,000.00.
Mr. Rodrigues was then asked to prepare a memorandum, to be submitted to Commission, outlining the series of events leading to the increase in fees charged by CRRI during the 1989-1990 winter season.

1. Report of Messrs. Rodrigues and Tilas, November 21, recommending approval of the request of the Charlestown Christmas Walk Committee to use the Emmons-Horrigan-O'Neil Rink, on Sunday, December 9, 1990 from 2:00 p.m. to 4:00 p.m., for public skating and further to waive admission fees.
The Commission V O T E D: Approved.
The Commission further V O T E D: to waive the admission fees for public skating on Sunday, December 9, 1990.

Action was taken upon the following Various Matters:

Report of Concession Selection Committee and Mr. James Ippolito, Deputy Director of the Maintenance Support Unit, recommending that the Commission reimburse Mrs. Sofia Koutrobis $3,410.00

spent for the installation of security doors at the Nantasket Beach Pavilion.
The Commission V O T E D: Approved.

1. Report of Mr. Traficante, October 30, requesting Commission approval of a Contract-Agreement with Massachusetts General Hospital to evaluate employees at risk for occupational exposure to asbestos. Maximum Cost not to exceed $8,670.00. Time for Performance will be 12 months from the start of the Contract-Agreement. Account No. 2440-0010.
The Commission V O T E D: Approved as recommended by Mr. Traficante in his report of October 30, 1990.

Action was taken upon the following matter relating to the Office of Real Property:

2. Report of Mrs. Anderson, November 21, recommending that pursuant to Chapter 83 of the Acts of 1990, and in accordance with the vote of the Land Board of September 19, 1990, the 15-foot wide sewer easement in the Towns of Stoneham, Wakefield and Reading, shown on a plan on file at the Division of Capital Planning and Operations entitled "Plan of Land, Wakefield, Mass., showing abandonment of 15' wide, Metropolitan District Commission Force Main Easement, Scale 1" = 40', Dated: October 29, 1987, Prepared by Bryant Associates, Inc., Boston, Mass.", be declared surplus to the need of the Metropolitan District Commission.
The Commission V O T E D: to declare the 15-foot wide sewer easement in the Towns of Stoneham, Wakefield and Reading, shown on a plan on file at the Division of Capital Planning and Operations surplus to the Metropolitan District Commission's needs.

3. At this point Associate Commissioner Whelan read the following statement:
"On July 6, 1990, MDC General Counsel, John W. Wright wrote to Gerald Fitzgerald, First Assistant Attorney General, the Commonwealth of Massachusetts, regarding the failure of New England Pro-Am Hockey League, Inc., to pay the balance of $46,169.73 due the Commonwealth.
Mr. Wright asked that the Attorney General's Office take such action as is appropriate to protect the interests of the Commonwealth.
Since four months have gone by without the Commission receiving any information regarding the matter, I move that this Commission, through the Executive Secretary, request General Counsel, John W. Wright to write to First Assistant Attorney General Fitzgerald requesting an update on this matter".
Associate Commissioner Whelan's motion was seconded and approved by the Commission.

The following matter was placed on the agenda for the information of the Commission:

4. The following schedules were approved for payment by the Commissioner during the period from November 5, 1990 to November 12, 1990.

Expenditures	$706,842.26
Summer Youth	$ 1,266.30

Adjourned at 1:40 p.m. to meet on Thursday, December 6, 1990 at 10:00 a.m.

William F Crochetin
Secretary

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Record of the Three Thousand Five Hundred and Fiftieth (3550th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 6, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on November 1, 1990, were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and DiPietro, November 19, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P87-1449-M3A, for Consultant Services for Water Quality Testing at MDC Recreational Waters, Fiscal Years 1992 and 1993. Estimated Cost per fiscal year is $30,000.00, for a total of $60,000.00. Account No. 2440-0010.
Associate Commissioner Whelan stated that he was not comfortable in approving a multi-year Contract noting that it would not be proper to commit a new Commission to a contract which would not expire until July, 1992.
After a lengthy discussion concerning this item, the Commission V O T E D: to approve the project for Fiscal Year 1992 - with an estimated cost of $30,000.00.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Kirwin, November 20, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1608-M1A, Servicing Traffic Signals and Control Systems, Middlesex Fells and Revere Beach Districts. Estimated Cost $420,000.00 - Account No. 2444-9001-12.
Associate Commissioner Whelan reiterated that he was not comfortable in approving a multi-year Contract, noting once again that it would not be proper to commit a new Commission to a long term Contract.
The Commission V O T E D: to approve the project for period from March 1, 1991 through February 28, 1992 with an estimated cost of $210,000.00
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Kirwin, November 20, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1609-M1A, Servicing Traffic Signals and Control Systems, Blue Hills and Old Colony Districts. Estimated Cost $420,000.00 - Account No. 2444-9001-12.
Associate Commissioner Whelan reiterated that he was not comfortable in approving a multi-year Contract, noting once again that it would not be proper to commit a new Commission to a long term Contract.
The Commission V O T E D: to approve the project for period from March 1, 1991 through February 28, 1992 - with an estimated cost of $210,000.00.
The Commission further V O T E D: Permission to advertise.

4. Report of Messrs. Faucher and Soroka, November 26, recommending approval of Extra Work Order No. 2, in the amount of $13,190.70, for Construction of a Fiberoptic Advanced Warning Sign "Red Signal Ahead", on Contract No. P90-1569-M1A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Charles River Basin District. Funds available in Account No. 2444-9001-12.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $13,190.70.

5. Report of Messrs. Faucher and DeLuca, November 8, recommending approval of Extra Work Order No. 1, in the amount of $30,870.00, for sandblasting and painting the Cass Pool, Roxbury, on Contract No. P90-1582-M1A, with Puraqua Pool Service, Inc., for Servicing

Filtration and Sterilization Systems.
(At no additional contract cost as the extra work will be offset by unused quantities in other items).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $30,870.00.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

Action was taken upon the following Various Matter:

2. Mrs. O'Brien presented a brief history of the parcel of land, noting that when the Commission sold the property to Lewando Realty Co., in 1959, it maintained its right to reclaim for essential public purposes a 30 foot wide by 350 foot long strip bordering the developer's property.
Mr. Krajovic explained that in 1986, the current owner Riverbend Limited Partnership, planned a major restoration of an on-site building and the adjacent land. In order to receive a Certificate of Compliance from the Watertown Conservation Commission, the developer agreed to fund the cost of design and construction of the riverwalk park. The developer will also landscape areas outside the MDC restriction line, and in addition, has agreed to assume regular maintenance work.
Associate Commissioner Jones questioned who would have the responsibility for maintaining park lighting and electricity charges for the park. Mr. Krajovic responded that this responsibility will rest with the developer.
On questioning by the Commission, Mr. Krajovic stated that the area will be posted at the entrances as a public park.
Mr. John Wacker, consultant to the Watertown Conservation Commission, presented a rendering of the park and spoke in favor of the Agreement.
The Commission and staff then noted that this project exemplifies a successful public/private partnership among the MDC, the Watertown Conservation Commission, and Riverbend Limited Partnership, which will enhance public access along the Charles River and create new park land along its banks.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Design and Maintenance Agreement, dated December 6, 1990, with River Bend Limited Partnership, which was signed by the Commissioner and three Associate Commissioners.

The following Informational Presentation was made relating to the Recreational Facilities and Programs Division:

3. Report of Mr. Rodrigues, December 3, concerning the possibility of the Flynn Community Corporation receiving a seasonal permit to operate the Flynn Rink, Medford - Stoneham, for the 1990-1991 season.
Senator Brennan spoke in favor of issuing the Flynn Community Corporation a seasonal permit to operate the Flynn Rink for the 1990-1991 season.
He stated that youth hockey and skating officials of Medford, Malden and Winchester met and have come up with a plan to have the facility in operation this season. Senator Brennan then noted that this could be a model for opening other rinks in the future.
Ronald Martignetti representing Flynn Community Corporation stated that as a result of the Flynn Rink not being in operation this season many groups including high school hockey programs and youth organizations involved in skating are suffering.
He then explained that his group which includes professionals in most fields of endeavor performed surveys and found that their request is viable. The surveys have included utility

expenses, sale of ice time, cost of liability insurance, supplies, etc..
Associate Commissioner Jones then spoke of the lack of firm information to back-up the groups request, including financial a statement, policy and plans for the rinks operation and also incorporation papers.
Mr. Martignetti noted that the groups research has indicated that the rink should bring in a weekly gross of $6,000.00, with operating costs of between $4,500.00 to $5,000.00 per week. He then stated that expenses will be minimal because members of the group will provide free services.
Associate Commissioner Whelan noting that the matter has not been reviewed by Legal Counsel said he was not ready to consider the request until such time as further information has been received, since there is presently a law suit pending in Suffolk Superior Court brought against the Commission for damages and costs relative to opening of all MDC rinks.
At this point, Stephen Smoot of Medford, John Harrington of Winchester and Richard Leonard of Malden representing various youth groups all spoke in favor of the proposal.
The Commission then asked that representatives of the various groups meet with staff of the Recreational Facilities and Programs Division and Legal Counsel concerning the Commissions concerns.
Commissioner Bhatti suggested that following the meeting the Flynn Community Corporation prepare a proposal for presentation to the Commission.

1. At this point (12:15 p.m.), the Commission V O T E D: to recess the regularly scheduled meeting.
Following the recess, which ended at 1:00 p.m., the Commission V O T E D: to reconvene the regularly scheduled meeting.

Action was taken upon the following Various Matter:

2. Report of Mrs. Lam, November 28, on behalf of the In-House Boat/Yacht Club Committee, recommending renewal of Permits for the Yacht and Boat Clubs and Educational Institutions for the period July 1, 1990 to June 30, 1991.
The Commission V O T E D: Delete from Agenda pending receipt of further information from Mrs. Lam.

Action was taken upon the matter relating to the Office of Real Property:

3. Report of Mrs. Anderson, November 29, recommending that pursuant to Chapter 234 of the Acts of 1989 that the Commission transfer approximately .83 acres of land, located in the Town of Ashland, to the Massachusetts Department of Public Works, upon such terms and conditions as the Commission shall prescribe in consultation with the Division of Capital Planning and Operations.
Mr. O'Connor identified the parcels involved in the request noting that the MDC can consolidate its ownership at this location by transfer of the old road from the County to the MDC. In addition, he explained,provisions will be made to protect the MDC's land and the Sudbury River through terms and conditions to be incorporated into the disposition.
At this point, Associate Commissioner Scandrett noted that the Commission was authorized by the General Court to transfer these parcels to the Massachusetts Department of Public Works (Mass. DPW) through Legislation passed in 1989. Upon questioning by the Commission, Michael Mahoney, Right of Way Agent for the Mass. DPW, stated that the project is required for public safety and that in this type of bridge replacement environmental regulations do not apply.
Noting that some land clearing had occurred on MDC property, Associate Commissioner Jones questioned if authority was given by the MDC for this work. Mr. O'Connor responded this cutting was performed by the Mass. DPW Contractor without MDC permission. He then stated that further construction activity by Mass. DPW will be closely monitored by MDC staff.
At this point, Attorney Lois J. Bruinooge, representing Mr. William Engstrom an abutter to the project, stated that in her opinion, the project is not exempt from environmental regulations and that Mass. DPW should be required to file under the Massachusetts Wetlands Protection Act and the Massachusetts

Environmental Policy Act (MEPA).
Associate Commissioner Scandrett asked what the impact of the project will be on Mr. Engstrom's property. Attorney Bruinooge stated that the project will cause negative economic impact to Mr. Engstrom, in addition to physical impact upon his land through relocation of the access road to his business.
Mr. Mahoney then stated that the access road changes were necessary due to the need to raise the new bridge as required by federal regulations. He then stated tht Mass. DPW had examined several options and found the proposed option had the least impact upon Mr. Engstrom's property.
Associate Commissioner Scandrett stated tht the issue between Mass. DPW and Mr. Engstrom should be settled in court and not at the MDC level.
At this point, Associate Commissioner Jones moved to Hold Over the item and requested that the Real Property Office supply additional information concerning pending litigation between Mr. Engstrom and the Mass. DPW. In addition, he requested that information be supplied concerning conditions to be incorporated into the transfer, so that MDC interests are protected.
Commission Bhatti requested that the aforementioned information be available within two weeks.
The Commission V O T E D: Held Over.

The following Informational Presentation was made relating to the Planning Division:

1. Stephen Kaiser presented an all-tunnel alternative to the Scheme Z interchange which is being proposed as part of the Central Artery/Third Harbor Tunnel Project by the Executive Office of Transportation and Construction.
On questioning by the Commission, Mr. Kaiser stated that the alternative would cost an additional $500,000,000.00 to $1,000,000,000.00 over Scheme Z and would add an additional twelve to eighteen months to the construction time table.
He then noted that one problem which has not been completely resolved under the all-tunnel alternative is what to do with the contaminated material taken from the river bed.
He explained that among the major benefits of the all-tunnel alternative would be the creation of a large new park between the old and new Charles River Park.
Following Mr. Kaiser's presentation, Commissioner Bhatti spoke of the environmental problems, the cost factor, contaminated material disposal and construction delays which would be caused by the alternative proposal.
After the presentation, the Commission thanked Mr. Kaiser for his informative presentation.

The following matters were placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from November 12, 1990 to November 19, 1990.

Expenditures	$125,433.96
Summer Youth	$ 872.82

3. The following schedules were approved for payment by the Commissioner during the period from November 19, 1990 to November 26, 1990.

Expenditures	$1,217,801.90
Summer Youth	$ 764.46

Adjourned at 4:20 p.m. to meet on Thursday, December 13, 1990 at 10:00 a.m.

Secretary

Record of the Three Thousand Five Hundred and Fifty First (3551st) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 13, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on November 8, 1990, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Second Amendment, dated December 13, 1990, to Contract-Agreement No. P82-1034-D1A, with The Halvorson Company, Inc., for Rehabilitation of Beaver Brook Reservation.

2. Second Amendment, dated December 13, 1990, to Contract-Agreement No. P82-1052-D1A, with H. W. Lochner, Inc., for Structural Engineering Services for the Upgrading of Philip Briggs Bowker Interchange and Inbound Storrow Drive Structure.

3. Second Amendment, dated December 13, 1990, to Contract-Agreement No. P84-1276-D2A, with Hoyle Tanner and Associates, Inc., for Professional Engineering Services for Repairs to Bridges, Parkways and other Facilities of the Metropolitan District Commission.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Lenhardt, December 5, recommending approval of the request of The Modern Continental Construction Co., Inc., General Contractor on Contract No. P84-1276-C7A, Repairs to Monsignor William J. Casey Overpass, to engage the services of the following sub-contractors:
Rockblast Steel Maintenance, Inc. - $50,000.00
Item No. 006-010 - Clean and Paint Fascia Girder
Markings, Inc. - $ 3,631.00
Item No. 011-010 - Pavement Markings
Item No. 011-020 - Pavement Markings
Item No. 011-030 - Pavement Markings
Simeone Corp. - $29,500.00
Item No. 015-010 - Cold Planning and Resurfacing
Item No. 015-020 - Binder
Item No. 015-030 - Surface Course
at a total cost of **$83,131.00.**
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Lenhardt in their report of December 5, 1990.

5. Report of Messrs. Faucher and O'Connor, December 4, recommending approval of the following on Contract No. P84-1276-C3A, with John Mahoney Construction Company, for General E. Leroy Sweetser Bridges, Everett -
Extra Work Order No. 1 - $ 3,629.24
Additional Abutment Demolition
Revisions in Quantities -
Item No. 004-010 - $ 7,125.00
Additional Cement Concrete
Item No. 005-010 - $21,012.66
Additional Steel Reinforcement for Concrete Deck
Item No. 006-010 - $13,200.00
Additional Expansion Joint
Item No. 025-010 - $ 8,000.00
Additional Traffic Control Services (Police) Allowance
Total cost of - $52,966.90
Funds available in Account No. 2490-8881.
Associate Commissioner Whelan questioned the status of his request of November 1, 1990 that staff file a claim for compensation under the "errors and omissions" section of the Consultants' insurance for their errors in calculating the original bid quantities on this Contract.
Mr. Baratta explained that he has formed a committee which is

pursuing the matter of reimbursement to the Commission.
He stated that he will report back to the Commission when additional information is available.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $3,629.24.
The Commission further V O T E D: to approve the revisions in quantities as recommended by Messrs. Faucher and O'Connor in their report of December 4, 1990.

1. Report of Messrs. Faucher and Lenhardt, November 19, recommending approval of the following on Contract No. P84-1276-C7A, with The Modern Continental Construction Company, Inc., for Repairs to the William J. Casey Overpass, Boston, Massachusetts -

Revisions in Quantities

Item No. 002-020 - $ 6,000.00
VA-4 Granite Curb
Item No. 004-010 - $300,000.00
4,000# Cement Concrete
Item No. 005-010 - $ 6,375.00
Misc. Excavation
Item No. 009-020 - $150,000.00
Traffic Control Services
Item No. 012-010 - $ 33,000.00
Traffic Railing
Item No. 012-020 - $ 13,000.00
Pedestrian Railing
Item No. 018-010 - $ 96,000.00
Epoxy Coated Reinforcing
Item No. 021-010 - $ 93,750.00
Elastomeric Membrane & Compression Seal
Extra Work Order No. 1 - $ 6,870.60
Epoxy Inject Voids Behind Weldments
Extra Work Order No. 2 - $164,730.62
Removal of lt. weight reinforced concrete from fascia girder
Extra Work Order No. 3 - $ 24,549.43
Supplemental Steel Diaphram for fascia girder
Extra Work Order No. 4 - $310,533.51
Demolition of Median Protective Shielding Electric Conduit VA-5 Granite Curb
Extra Work Order No. 5 - $ 25,000.00
New Steel Stringers & Steel Bearing for Median

Total Cost of Revisions in Quantities and Extra Work Orders - $1,229,809.16.
(Estimated unused quantities in other items will be $49,409.16. Net cost of revisions in quantities and Extra Work Orders is $1,180,400.00). Funds available in Account No. 2490-8881.
Mr. Baratta noted that in addition to the construction of a structure with increased safety features, the new bridge offers users a panoramic view of Boston and the area.
He then explained that the bridge will open to one lane of traffic, in each direction, on Monday, December 17, 1990, with the remaining work to be finished in the Spring of 1991.
Mr. Baratta then noted that the goals of the overall project were construction of a safe structure and opening of least one lane in each direction, as soon as possible.
Commissioner Bhatti stated that it was impossible to determine the condition of the bridge and work required early on because a great portion of the deterioration was not be discovered until the steel work was uncovered.
On questioning by the Commission, Mr. Lespasio stated that twelve contractors took out proposals for the project and nine bids were received. He noted that five of the nine bids received were below the engineer's estimate.
On questioning by Associate Commissioner Whelan why approval of the additional work was not sought prior to start of the revisions and extra work, Mr. Baratta explained that when a project is determined to involve public safety, requiring immediate action, the Division Director or the Chief Engineer has authority to initiate work prior to appearing before the Commission for approval.
It was noted that failure to initiate this work immediately could have resulted in a serious safety problem, a lengthy delay in project completion and a costly police detail, which could have

cost in excess of $100,000.00.
Associate Commissioner Jones questioned if we plan to have a standard maintenance program for the structure upon completion.
Mr. Baratta explained that the Commission has a bridge inspection team that conducts inspections of our bridges on a regular basis and this structure will be included in regularly scheduled inspections.
Associate Commissioner Jones requested that the Division prepare a memo, for Commission files, outlining rationale used in determining action which was taken when the deteriorated condition of the bridge was discovered. He further requested that the Division document a meeting with the City of Boston outlining the City's position relative to the need to open the bridge as soon as possible. In addition, he requested that a chronology of events, regarding the repairs, be incorporated in the memo.
The Commission V O T E D: to approve the Revisions in Quantities as recommended by Messrs. Faucher and Lenhardt in their report of November 19, 1990.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $6,870.60.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $164,730.62.
The Commission further V O T E D: to approve Extra Work Order No. 3, in the amount of $24,549.43.
The Commission further V O T E D: to approve Extra Work Order No. 4, in the amount of $310,533.51.
The Commission further V O T E D: to approve Extra Work Order No. 5, in the amount of $25,000.00.

1. Report of Messrs. Faucher and Machado, December 3, recommending approval of the request of Sciaba Construction Corporation, Contractor on Project No. P84-1276-C2B, Neponset River Bridge Rehabilitation, to engage the services of the following sub-contractors -

Don Martin Corporation	- Dense Bituminous Concrete	- $ 15,750.00
NER Construction	- Cleaning and Painting Steel	- $266,050.00
Markings, Inc.	- Painting and Reflectorized Lines	- $ 1,920.00
P. J. Spillane Co., Inc.	- Patch Concrete Masonry	- $ 13,000.00

The Commission V O T E D: Approved as recommended by Messrs. Faucher and Machado in their report of December 3, 1990.

2. At this point, Associate Commissioner Scandrett noted that the Commissioners had received a Certified Mail letter from Crews Brothers Construction of Revere, dated December 3, 1990, which contained serious allegations against an MDC Contractor.
On motion of Associate Commissioner Scandrett, the Commission V O T E D: to refer the correspondence to the Contract Administrator and Legal Counsel for review. If in the Contract Administrator and Legal Counsel's opinion, further actions is necessary they are to refer the matter to the Attorney General.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

3. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
Associate Commissioner Jones questioned the reason for the delay in finalizing a recommendation on this matter.
Commissioner Bhatti stated that the matter is progressing and that Mr. VanWart will return to the Commission with his final recommendations in the near future.
Associate Commissioner Jones then requested that Mr. VanWart Communicate with Raytheon Company and inform the appropriate person that the delay in finalizing the matter is not caused by Commission inaction.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, November 29, recommending that pursuant to Chapter 234 of the Acts of 1989 that the Commission transfer approximately .83 acres of land, located in the Town of Ashland, to the Massachusetts Department of Public Works, upon such terms and conditions as the Commission shall prescribe in consultation with the Division of Capital Planning and Operations.
The Commission once again discussed the matter in detail.
Associate Commissioner Scandrett noted that the Secretary had received letters from Senator Edward L. Burke and Representative David P. Mangini, who represent the Town of Ashland in the State Legislature. Both officials stated that the land transfer, from the MDC to the Massachusetts Department of Public Works, is in the best interest of the public and will improve public safety in this area.
At this point, Attorney Lois J. Bruinooge, once again requested that the Commission vote to deny the transfer, citing the negative economic and physical impact on her client's (William Engstrom) business.
Ms. Bruinooge then noted that the Mass. DPW contractor is continuing to clear the land at the site.
Following a lengthy discussion, Associate Commissioner Scandrett requested the Commissioner communicate with Mass. DPW Commissioner Jane Garvey regarding concerns that their contractor continues to clear land in the area of the bridge without obtaining Commission approval.
The Commission V O T E D: to transfer approximately .83 acres of land, located in the Town of Ashland, to the Massachusetts Department of Public Works, upon such terms and conditions as the Commission shall prescribe in consultation with the Division of Capital Planning and Operations.

2. At this point, Associate Commissioner Jones spoke of a letter that the Associate Commissioners received from Attorney Edward J. Quinlan, representing J. D'Amico, Inc., dated December 6, 1990, concerning a decision of the Department of Labor and Industries (DLI), regarding award of Contract No. P90-1574-C1A, Replacement of Gasoline and Diesel Fuel Storage Tanks.
He requested that the Secretary submit the letter and the (DLI) decision to Commissioner Bhatti for his referral to appropriate staff for response.

The following matter was placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from November 26, 1990 to December 3, 1990.

Expenditures	$1,477,422.91
Summer Youth	$ 40.08

Adjourned at 1:10 p.m. to meet on Thursday, December 20, 1990 at 10:00 a.m.

William F. Cushing
Secretary

Record of the Three Thousand Five Hundred and Fifty Second (3552nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, December 20, 1990 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. First Amendment, dated December 20, 1990, to Contract-Agreement No. P82-1054-D1B, with Edwards and Kelcey, Inc., for Upgrading and Rehabilitation of the MDC Charles Circle Bridge #57A and 57B.

2. Contract No. CS91-02-M1A, dated December 20, 1990, with P. J. Kennedy & Sons, Inc., for Servicing HVAC Systems in Various Facilities in the North Region.

3. Contract No. P89-1556-C1A, dated December 20, 1990, with John Mahoney Construction/Whittier Equipment Corp., for Construction of Old Harbor Park, Dorchester Shores Reservation, Boston.

4. Release of Height Restriction, dated December 20, 1990, at 460 Revere Beach Boulevard, Revere.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Kirwin, December 12, recommending approval of a revision in quantities, in the amount of $81.00, for Item No. 016-010, General Purpose Wire, on Contract No. P89-1550-M1A, with New England Traffic Signals, Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts.
(At no additional contract cost as the revision will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of December 12, 1990.

6. Report of Messrs. Faucher and Kirwin, December 13, recommending approval of revisions in quantities on the following -
Item No. 016-010 - General Purpose Wire - $1,882.80
Item No. 018-010 - Traffic Signal Loop Detector - $4,872.00
for a total of $6,754.80, on Contract No. P89-1550-M2A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts.
(At no additional contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of December 13, 1990.

7. Report of Mr. Faucher and Ms. Graves-Jones, December 11, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1607-M1A, Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC. Estimated Cost is $200,000.00, with Contract duration April 1, 1991 through March 31, 1992. Account No. 2444-9001-12.
The Commission V O T E D: Approved.

8. Report of Messrs. Faucher and Chan, December 14, recommending that the Commission rescind its vote of June 8, 1990, awarding Contract No. P90-1574-C1A, Furnishing and Installing New Storage Tanks, Pumps and Automated Management Equipment at Various MDC Locations, to Andover Engineering, Inc., and also reject the only other bid received that of J. D'Amico, Inc. In addition, they recommend that the Commission approve readvertisement of the project as two separate contracts. Account No. 2490-8881.
Attorney Edward J. Quinlan, representing J. D'Amico, Inc., appeared before the Commission and asked that his client, who is now the lowest bidder be awarded the contract. He noted that if the project is readvertised it will be the third time bids have

been sought for the work. He questioned whether a further delay will pose a threat to the area's water supply. He then stated that J. D'Amico, Inc., is ready, willing and able to undertake and complete the project.
Mr. Baratta pointed out that there was only $1,500,000.00 available for the contract and, therefore, the bid of J. D'Amico, Inc., would have to be rejected. He then stated that J. D'Amico's bid was $489,100.00 or 32.60%, above the Engineer's estimate. By separating the scope of work into two contracts, he explained, additional contractors will be able to submit bids for the project and it is possible that the combined bids could be below the Engineer's estimate for the entire project.
At this point, Attorney Quinlan suggested that the Commission award the contract to J. D'Amico, Inc. and delete certain items, thereby reducing the cost of the contract. Michael J. Linnehan, Vice President of J. D'Amico, Inc., stated that locations for the work are listed in order of priority. The listing could be taken into consideration if the Commission decided to reduce the scope of the Contract, he added.
Following a lengthy discussion in which Mr. Wright addressed the Commission, the Commission V O T E D: to rescind the vote of June 8, 1990, awarding Contract No. P90-1564-C1A, Furnishing and Installing New Storage Tanks, Pumps and Automated Management Equipment at Various Locations, to Andover Engineering, Inc.
The Commission further V O T E D: to reject the only other bid received, that of J. D'Amico, Inc. and authorize readvertisement of the project as two separate Contracts, as recommended by Messrs. Faucher and Chan in their report of December 14, 1990.
Associate Commissioners O'Malley and Jones voted in opposition.

1. Report of Messrs. Faucher and Machado, December 12, recommending approval of an extension of time from December 31, 1990 to June 30, 1991, on Contract No. P87-1466-C1A, with USX Corporation, Cyclone Fence Company, Inc., for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District.
(At no additional cost to the Commission).
The Commission V O T E D: to approve an extension of time from December 31, 1990 to June 30, 1991, as recommended by Messrs. Faucher and Machado in their report of December 12, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Chan, December 14, recommending approval of Extra Work Order No. 2, in the amount of $10,399.64, for the installation of a retaining wall and an extension of time from October 15, 1990 to July 20, 1991, on Contract No. P90-1575-C1A, with Allied Weatherproofing Co., Inc., for Rehabilitation of Filter System at the Connor Pool, Waltham.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $10,399.64.
The Commission further V O T E D: to approve an extension of time, from October 15, 1990 to July 20, 1991, as recommended by Messrs. Faucher and Chan in their report of December 14, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Griffin, December 13, requesting approval of Alteration No. 1, in the amount of $2,269.19, for improving electrical operation of the tide gates, on Contract No. P84-1276-C6A, with P. R. Johnson, Inc., for Greenberg Bridge Tide Gate Repairs. (At no increase in contract cost).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Griffin in their report of December 13, 1990.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

4. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills

Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Police Division:

1. Report of Captain John Grealish, as agreed to by Deputy Superintendent Allan Ross, recommending that the Commission adopt a "No Parking Within 20 Feet of Intersection" regulation.
The Commission requested that Deputy Superintendent Ross communicate with the various communities involved to ensure that they do not have a problem with the new regulation.
The Commission V O T E D: Approved subject to the aforementioned stipulation.

Action was taken upon the following Various Matters:

2. Report of Mr. Krajovic and Mrs. Lam concerning renewal of Permits for Yacht and Boat Clubs and Educational Institutions for the period July 1, 1990 to June 30, 1991.
Mrs. Lam reviewed the MDC Planning Office's recommendations with the Commission.
Associate Commissioner Scandrett noted that for the past several years the recommendations for renewals have been presented to the Commission for action several months after the prior permits expired. He then asked that staff make an all-out effort to present the renewals in a timely manner in the future.
Associate Commissioner Whelan stated that it is important that the clubs be billed immediately noting that the old permits expired on June 30, 1990, and the Commission has gone six months without these permit fees.
At this point, Representative Anthony P. Giglio of Medford addressed the Commission and cited public benefits provided by the various boat clubs including public access to the water and improvements to public property.
Representative Giglio then stated that he would support any action taken by the Commission with regards to the renewals.
At the request of Associate Commissioner Jones, Mr. Gray of the MDC Office of Real Property explained in detail the process which would be utilized in engaging the services of an independent appraiser who would be selected and managed by the Office of Real Property. He then stated that the Planning Office and others will be involved in the process.
Mr. Krajovic noted that the MDC will continue to work with the boat clubs to help identify factors important to the appraisal process.
Frank Callahan of the Dorchester Yacht Club stated that his club pays property taxes on the building and the land on which the structure is located.
Associate Commissioner O'Malley questioned the appropriateness of the club paying property taxes on Commission land.
John Grabski of Mass Bay Yacht Club Association read a letter, of which a copy will be placed in Commission files, in which he acknowledged a meeting with Mr. Krajovic and representatives of the Charles River Yacht Clubs, where Mr. Krajovic proposed that all boat clubs consider funding an independent appraisal of their facilities to determine fair value for leasing public land.
Mr. Grabski then spoke of the complex issues which would have to be addressed by the appraiser.
At this point, Associate Commissioner Jones asked that the private funding sources for the proposed Charles River Master Plan be identified when they are secured.
Associate Commissioner Jones then asked that the General Counsel insure that the language of the action to be taken by the Commission not sanction any unauthorized boat club expansion.
He then requested that staff determine what the original permits authorized for number of slips and moorings, dock size and configuration, building size, and property lines.
Mr. Krajovic stated that this review would be better addressed within the context of a separate study or the proposed master plan.
At this point, Mr. Jackson questioned if the Commission votes to

restrict expansion of docks, would the vote have an adverse effect on projects already in the pipeline, specifically the Northeastern University dock extension. On questioning by the Commission, Captain Walsh said he had no problem safety wise with the extension if approved by other MDC divisions.
Mr. Krajovic stated that the recommendations of staff did not preclude routine maintenance or safety matters. He also noted that Northeastern proposed a substantial dock expansion.
At this point, the Commission asked that Planning and General Counsel prepare language to be incorporated into the permits that will address the following:
(1) Unauthorized expansions not be sanctioned or "grandfathered".
(2) Regular maintenance repairs and safety adjustments be allowed if deemed appropriate by MDC staff.
Mr. Grabski then noted that MDC records were incomplete regarding initial approval of yacht club size. He also said that some growth over the years was verbally approved by MDC Police without documentation. He then stated that the MDC should not rule out "grandfathering" past expansions because of the aforementioned.
The Commission V O T E D: to authorize a ten percent increase in the fees all boat clubs; to authorize the Secretary to renew all these outstanding permits; to recognize the need for an appraisal to determine a fair value for leasing and permitting public land and facilities within MDC jurisdiction to boat clubs to ensure that the public gain is greater than its loss; and that in lieu of a significant increase in this year's permit fees, the Commission requests that all boat clubs fund the cost of hiring an independent appraiser to determine a fair value for the property on which their club or facility is located. This appraiser will be selected and managed by the Real Property Office. The Commission directs the Planning Office to continue to work with the boat clubs to develop a strategy and timeline for achieving this goal and further requests that the Planning Office report to the Commission by March 7, 1991.
The Commission further V O T E D: that the Commission sanction the following recommendation recorded in the Committee on Post Audit and Oversight's (HPAO) management review: MDC Waterfront leases/Charles River and Press Release, December 7, 1990:

> HPAO recommends that MDC expedite the development of a master plan funded by private sources that will result in improving the recreational use of the Charles River.

The Commission further V O T E D in principal: not to approve the expansion of any boat club and related facilities such as docks, slips, piers, moorings, or barges on the Charles River Basin, until completion of a master plan to guide the long term restoration and management of the river and park land. The Commission then directed the Planning Office and Legal Counsel to prepare language to be presented to the Commission for review and approval by March 7, 1991, which will address in detail the following:

1. Unauthorized expansions.
2. Regular maintenance, repairs and safety adjustments to the various facilities.

2. Matter of approving the renaming of Commercial Avenue, Cambridge to Edwin Land Boulevard, and that henceforth the road between Broad Canal and the intersection of O'Brien Highway at the Charles River Dam now known as Commercial Avenue should be known as Edwin Land Boulevard.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Mr. Kane, December 20, requesting authority to engage the services of a qualified engineering firm, to perform a one to two-day emergency geotechnical investigation at Quabbin Reservoir. Account No. 2420-7880.
Associate Commissioner Jones requested that appropriate agencies be notified of this matter.
The Commission V O T E D: Approved as recommended by Mr. Kane in his report of December 20, 1990.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from December 3, 1990 to December 10, 1990.

Expenditures $394,348.07

Adjourned at 1:25 p.m. to meet on Thursday, January 3, 1991 at 10:00 a.m.

William F. Cushwl
Secretary

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. 3,1991

Record of the Three Thousand Five Hundred and Fifty Third (3553rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 3, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meetings held on November 15, 1990 and November 29, 1990 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Second Amendment, dated January 3, 1991, to Contract-Agreement No. P78-0564-X2B, with Hayden and Wegman Consulting Engineers, for Lower Mystic Lake Restoration, Operation and Maintenance.

2. Contract No. WM89-016-C1A, dated January 3, 1991, with LaFramboise Well Drilling, Inc., for Potable Drilled Wells, Quabbin Reservoir, Belchertown, New Salem and Petersham.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Arinella, December 13, on bids for Replacement of 100 Gallon Commercial Water Heater, Charles River Dam and Locks, Charlestown, Massachusetts, Contract No. P90-1577-C7A. Account No. 2440-7893.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of Raccuia Bros. & Co., of $3,499.00).
The Commission V O T E D: to accept the lowest bid received, that of Raccuia Bros. & Co., of $3,499.00.

4. Report of Messrs. Faucher and Arinella, November 9, recommending the following on Contract No. P90-1577-C4A, with Balfour Engineering Co., Inc., for Repair/Replacement of Monorail, Hoist and Crane, Charles River Locks, Dam and Pump House, Charlestown, Massachusetts.
(a) That work be accepted as completed as of August 12, 1990.
(b) That Estimate No. 2 (Final), in the amount of $1,291.05, be approved for payment.
(c) That reserve in the amount of $1,036.20, be approved for payment.
(Basis of Award - $21,200.00)
(Total to Date - $20,724.00)
(Contract Administration Rating - 3.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Balfour Engineering Co., Inc., Contractor under Contract No. P90-1577-C7A, for Repair/Replacement of Monorail, Hoist and Crane, Charles River Locks, Dam and Pump House, Charlestown, Massachusetts, be and hereby is accepted as completed as of August 12, 1990.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $1,291.05, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,036.20, for payment.

5. Report of Messrs. Faucher and Lespasio, November 7, recommending the following on Contract No. P82-1047-C2A, with John Mahoney Construction Co., Inc./Whittier Equipment Corp. (Joint Venture), for Rehabilitation of the Lynnway and Carroll Parkway, Lynn, Massachusetts.
(a) That work be accepted as completed as of July 31, 1990.
(b) That Estimate No. 21 (Final), in the amount of $4,269.46, be approved for payment.
(c) That reserve in the amount of $224.71, be approved for payment.
(Basis of Award - $11,067,098.90)
(Total to Date - $10,236,137.94)
(Contract Administration Rating - 3.86)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of John Mahoney Construction Co., Inc./Whittier Equipment Corp. (Joint Venture),

Contractor under Contract No. P82-1047-C2A, for Rehabilitation of the Lynnway and Carroll Parkway, Lynn, Massachusetts, be and hereby is accepted as completed as of July 31, 1990.
The Commission further V O T E D: that Estimate No. 21 (Final), in the amount of $4,269.46, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $224.71, for payment.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
Associate Commissioner Jones noting the this item has been Held Over for the past several weeks, at the request of the Division, expressed concern that Raytheon Company might attribute the delay to inaction by members of the Commission.
He requested that Mr. VanWart, who was unable to be at the Commission meeting, be asked to prepare a memo, for the Commission, outlining the reasons for the delay and the current status of the request.
In addition, he requested that Mr. VanWart correspond in writing with the appropriate person at Raytheon Company outlining the status of the request.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Kane, November 30, recommending the following on Contract No. WM87-010-M1A, with NER Construction Management, Inc., for Repointing of Masonry Joints at Spillway Areas, Dam and Dike Parapet Walls, Winsor Dam, Ware, Massachusetts.
(a) That work be accepted as completed as of November 30, 1990.
(b) That Estimate No. 2 (Final), in the amount of $70,176.50, be approved for payment.
(c) That reserve in the amount of $8,870.00, be approved for payment on February 3, 1991.
(Basis of Award - $178,400.00)
(Total to Date - $177,400.00)
(Contract Administration Rating - 4.00)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of NER Construction Management, Inc., Contractor under Contract No. WM87-010-M1A, for Repointing of Masonry Joints at Spillway Areas, Dam and Dike Parapet Walls, Winsor Dam, Ware, Massachusetts, be and hereby is accepted as completed as of November 30, 1990.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $70,176.50, for payment. The Commission further V O T E D: to approve release of reserve, in the amount of $8,870.00, for payment on February 3, 1991.

Action was taken upon the following matters relating to the Office of Real Property:

3. Report of Mrs. Anderson, December 27, recommending that the Commission adopt an order of taking for 67.496± acres of land owned by Delos M. Hilton and Carol L. Hilton, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $81,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $82,600.00. Account No. 2000-8882.
The Commission V O T E D: Delete from Agenda.

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1. Report of Mrs. Anderson, December 27, recommending that the Commission adopt an order of taking for 8.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $44,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $45,000.00. Account No. 2000-8882. The Commission V O T E D: to adopt an order of taking for 8.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, January 3, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts shown on a plan entitled "Taking Plan of Land in New Salem (Franklin Co.)", prepared by C.T. Male Associates, P.C., and dated June 15, 1990, which plan shall be recorded with this order in the Franklin County Registry of Deeds and made a part of this order, namely:

A parcel of land with the building thereon situated in said New Salem, lying on the westerly side of Prescott Road and also lying about 300 feet westerly of the Metropolitan District Commission Quabbin Reservation Gate No. 20 on Prescott Road, and more particularly bounded and described as follows:

BEGINNING at a point in a stone wall on the westerly side of Prescott Road, at the southeasterly corner of land now or formerly of The Inhabitants of New Salem and known as Mountain View Cemetery, and at the northeasterly corner of land of James E. Donovan;

THENCE S. 01 degrees 28' 05" E. a distance of 144.40 feet along said stone wall on the westerly side of Prescott Road to a point;

THENCE S. 86 degrees 47' 22" W. a distance of 260.82 feet along land now or formerly of Allan C. Arnaboldi and Paul E. Muller to a point;

THENCE S. 18 degrees 31' 40" W. a distance of 215.28 feet along said land of Arnaboldi and Muller to a point in a stone wall currently submerged in a beaver pond;

LOCATION OF PROPERTY: WESTERLY SIDE OF PRESCOTT ROAD, NEW SALEM, MASSACHUSETTS

THENCE S. 81 degrees 29' 07" W. a distance of 1164.37 feet along land of the Commonwealth of Massachusetts to a drill hole in a stone bound;

THENCE N. 10 degrees 12' 04" W. a distance of of 322.44 feet along land of the Commonwealth to a drill hole in a stone bound;

THENCE N. 81 degrees 56" 09" E. a distance of 1330.61 feet partly along land of the Commonwealth and partly along land of Arthur L. and Doris E. Cornwell to a fence post;

THENCE N. 81 degrees 43' 15" E. a distance of 218.59 feet by said Cemetery land to the point of beginning.

Containing 9.829 acres of and, more or less.

Meaning and intending to take hereby the premises referred to as Lot No. 3 in a deed from William G. Lord to Gertrude M. Perry, dated November 25, 1930, and recorded with Franklin County Registry of Deeds in Book 791, Page 138, howsoever the same may be bounded and described, together with any and all fee interest in said Prescott Road held by said owner of record.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
James E. Donovan	$ 44,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $44,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $45,000.00.

See page 99,

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from December 10, 1990 to December 17, 1990.

Expenditures $897,131.44

Adjourned at 11:00 a.m. to meet on Thursday, January 10, 1991 at 10:00 a.m.

William F. Cronbach
Secretary

Record of the Three Thousand Five Hundred and Fifty Fourth (3554th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 10, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meetings held on December 6, 1990 and December 13, 1990 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Mayhew, December 28, recommending approval of the request of the Contractor for an extension of time from December 15, 1990 to April 30, 1991, on Contract No. P86-1393-C3A, with Bay State Contracting Co., Inc., for Rehabilitation of the Simoni and Porazzo Ice Skating Rinks, Cambridge - East Boston.
(At no additional cost to the Commission).
The Commission V O T E D: Delete pending further review by Mr. Baratta.

2. Report of Messrs. Faucher and Giella, December 28, recommending approval of the request of the Contractor for an extension of time from December 15, 1990 to June 15, 1991, on Contract No. P88-1549-C1A, with Mass Site Developers, Inc., for Construction of River Street Park, Wellesley, Massachusetts.
The Commission V O T E D: to approve an extension of time from December 15, 1990 to June 15, 1991, as recommended by Messrs. Faucher and Giella in their report of December 28, 1990, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Giella, January 3, recommending approval of Extra Work Order No. 1, in the amount of $5,576.81, for removal of an existing bituminous concrete sidewalk, and installation of a new gravel sub-base and bituminous concrete sidewalk on Contract No. P88-1549-C1A, with Mass Site Developers, Inc., for Construction of River Street Park, Wellesley, Massachusetts.
(The total of $5,576.81 will be partially reduced by $3,850.00 by unused quantities in another item - with the remaining $1,726.81 funded from Account No. 2449-7350).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $5,576.81.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

4. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Watershed Management Division:

5. Report of Messrs. McGinn and O'Connor, December 21, on proposals for the purchase of forest products located on the Quabbin, Ware River, Wachusett and Sudbury Watersheds.
The Commission V O T E D: to accept the highest qualified bid, that of Hubbard Lumber Co., of $4,312.00; to purchase approximately 131,000 board feet of sawlogs and 91 cords of firewood on Timber Sale No. 590 - Quabbin Reservoir Watershed; Hubbard Lumber Co. will also provide 10 bales of oil absorbent material valued at $1,450.00; 3 steel pipe gates valued at $2400.00, delivered to the New Salem Forestry Office, which are considered partial payment for the sawlogs and cordwood.
The Commission further V O T E D: to accept the highest qualified

bid, that of D. J. Garrity & Co., of $1,760.00; to purchase approximately 200 cords of firewood on Timber Sale No. 591 - Quabbin Reservoir Watershed; D.J. Garrity & Co. will also provide the sum of $700 to the current approved state heating oil vendor to provide fuel to the New Salem Forestry Office, which is considered partial payment for the cordwood.

The Commission further V O T E D: to accept the highest qualified bid, that of Conkey Logging & Lumber, of $2,437.40; to purchase approximately 38,500 board feet of sawlogs and 102 cords of firewood on Timber Sale No. 592 - Quabbin Reservoir Watershed; Conkey Logging & Lumber will also provide four 16 ga. 12" x 20' steel spiral pipe valued at $376.80; four 14 ga. 24" x 20' steel spiral pipe valued at $937.00; two 12 ga. 36" x 20' steel spiral pipe valued at $954.40, delivered to the New Salem Forestry Office, which are considered partial payment for the sawlogs and cordwood.

The Commission further V O T E D: to accept the second highest bid, that of Letourneau & Methe Landclearing, of $2,300.00; to purchase approximately 126,361 board feet of sawlogs, 404 cords of pulp, and 33 cords of pulp in tops on Timber Sale No. 593 - Quabbin Reservoir Watershed; Letourneau & Methe Landclearing will also provide 4,500 board feet of white oak planks to replace decking on MDC bridges in need of repair, valued at $2,700.00. The material will be delivered to the Belchertown Office and is considered partial payment for the sawlogs and pulp.

The Commission further V O T E D: to accept the highest qualified bid, that of Hubbard Lumber Co., of $8,063.60; to purchase approximately 129,160 board feet of sawlogs, 130 cords of firewood and 55 cords of firewood in tops on Timber Sale No. 594 - Quabbin Reservoir Watershed; Hubbard Lumber Co., will also provide 8,000 board feet of dried and dressed good quality white pine boards valued at $4,800, delivered to the Belchertown Office, which is considered partial payment for the sawlogs and cordwood.

The Commission further V O T E D: to accept the highest qualified bid, that of Hubbard Lumber Co., of $6,006.48; to purchase approximately 173,375 board feet of sawlogs and 12 cords of firewood on Timber Sale No. 595 - Quabbin Reservoir Watershed; Hubbard Lumber Co., will also provide a data recorder valued at $6,533.40, delivered to the New Salem Forestry Office, which is considered partial payment for the sawlogs and cordwood.

The Commission further V O T E D: to accept the highest qualified bid, that of Jacques Caron, of $1,592.00; to purchase approximately 86 cords of firewood and 16 cords of pulp on Timber Sale No. 7 - Sudbury Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Greenscape Lawn Service, of $1,425.00; to purchase approximately 5,395 board feet of sawlogs and 48 cords of firewood on Timber Sale No. 83A - Wachusett Reservoir Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Bosse Logging, of $4,410.00; to purchase approximately 57,528 board feet of sawlogs, 88 cords of firewood and 15 cords of pulp on Timber Sale No. 88 - Wachusett Reservoir Watershed.

The Commission further V O T E D: to reject the only bid received, that of Jepson Brothers, of $1,000.00; to purchase approximately 30,650 board feet of sawlogs and 157 cords of firewood on Timber Sale No. 118A - Ware River Watershed.

The Commission further V O T E D: to accept the highest qualified bid, that of Wheeler Logging, of $2,772.00; to purchase approximately 32,934 board feet of sawlogs and 94 cords of firewood on Timber Sale No. 147AAA - Ware River Watershed; Wheeler Logging will also crush 1,000 yds. of gravel, at sites designated by the Forester, on the Ware River Watershed, valued at $2,750.00, which is considered partial payment for the sawlogs and firewood.

The Commission further V O T E D: to accept the highest qualified bid, that of Tommila Brothers, of $9,800.00; to purchase approximately 59,905 board feet of sawlogs on Timber Sale No. 170A - Ware River Watershed; Tommila Brothers will also provide the sum of $1,300.00 to the current approved state heating oil vendor to provide heating fuel to the Ware River Forestry Office, which is considered partial payment for the sawlogs.

The Commission further V O T E D: to accept the highest qualified bid, that of Charles Uracius, of $178.20; to purchase approximately 22 cords of firewood on Timber Sale No. 179A - Ware River Watershed.
The Commission further V O T E D: to accept the only bid received, that of Wheeler Logging, of $1,980.00; to purchase approximately 9,385 board feet of sawlogs and 201 cords of firewood on Timber Sale No. 183 - Ware River Watershed.

Action was taken upon the following Various Matters:

1. Report of Peter Jackson, December 20, recommending approval to revise quantities on the following -
Item No. 17 - Removal of Trees - $14,000.00
Item No. 18 - Stump Removal - $ 4,500.00
at an additional cost of $18,500.00 on Contract No. P90-1573-C1A, with Brightway Corporation, for 1990 Parkway Landscape Improvements. Account No. 2490-8881.
At this point a discussion ensued relative to interaction between various Divisions with regards to tree work.
Mr. O'Connor of the Watershed Management Division spoke of the excellent cooperation between the Divisions. He then cited several examples where the Watershed Management foresters assisted the Reservations and Central Services Divisions in tree removal projects.
The Commission V O T E D: Approved.

2. Report of Mr. Wright, January 3, 1991, recommending that the Commission amend the vote of August 30, 1990 to coincide with the terms of the contract with Metcalf and Eddy, for Emergency Rehabilitation Design Services Mother Brook Dam (United Waste Company) - as follows:
1. An increase in the not-to-exceed cost from $100,000.00 to $110,000.00.
2. An extension of time for performance from August 31, 1990 through March 15, 1992.

Also submitting amended Agreement for signature.
Associate Commissioner Jones asked that the Contract Administrator and Legal Counsel review the Contract to insure that the engineering work being performed at the site is necessary for dam rehabilitation and safety of the general area and not singularly benefiting abutters.
The Commission V O T E D: to amend its vote of August 30, 1990 to coincide with the terms of the contract with Metcalf and Eddy, for Emergency Rehabilitation Design Services Mother Brook Dam (United Waste Company) - as follows: to increase the not-to-exceed cost from $100,000.00 to $110,000.00 and to extend the time for performance from August 31, 1990 through March 15, 1992.
The Secretary then submitted for signature Contract-Agreement, dated January 10, 1991, which was signed by the Commissioner and four Associate Commissioners.

3. Report of the Concession Selection Committee, January 8, recommending renewal of the Flynn, Ulin and Reilly ice skating rink concession permits for the remainder of the 1990-1991 season and the 1991-1992 season. The Concession Selection Committee further recommends that the permit fees be reduced for the 1990-1991 abbreviated season, and return to the full permit fee for the 1991-1992 ice skating season.
Associate Commissioner Whelan noted that this should not be construed as notification that the Commission plans to open the ice skating rinks for the 1991-1992 season unless sufficient funds are available.
The Commission V O T E D: Approved as follows:

LOCATION	CONCESSIONAIRE	PERMIT FEE
John W. Flynn Rink Woodland Road Medford-Stoneham	William Asaro	$850.00 for remainder of the 1990-1991 season - plus $65.00 per month for utilities. The 1991-1992 permit fee will be $1,700.00 - plus $65.00 per month utilities.

Max Ulin Rink Unquity Road Milton	Milton Youth Hockey	$725.00 for remainder of the 1990-1991 season - plus $65.00 per month for utilities. The 1991-1992 permit fee will be $1,450.00 - plus $65.00 per month utilities.
James F. Reilly Memorial Rink Cleveland Circle Brighton	K & R Foods	$2,125.00 for remainder of the 1990-1991 season - plus $65.00 per month for utilities. The 1991-1992 permit fee will be $4,250.00 - plus $65.00 per month utilities.

1. Report of Mr. Wright, January 9, recommending that the Commission amend the agreement of September 29, 1989 with the Massachusetts Audubon Society by reducing compensation for the second year of the agreement from $500,000.00 to $181,051.00, due to insufficient funds.
Also submitting the amendment for signature.
The Commission V O T E D: to amend the agreement of September 29, 1989 with the Massachusetts Audubon Society by reducing compensation for the second year of the agreement from $500,000.00 to $181,051.00.
The Secretary then submitted for signature the Amendment, dated January 10, 1990, which was signed by the Commissioner and four Associate Commissioners.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from December 17, 1990 to December 24, 1990.

Expenditures $1,380,045.04

Adjourned at 12:30 p.m. to meet on Thursday, January 17, 1991 at 10:00 a.m.

William F. Cushel
Secretary

Record of the Three Thousand Five Hundred and Fifty Fifth (3555th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 17, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on December 20, 1990 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Arinella, December 26, 1990, recommending the following on Contract No. P90-1577-C2A, with Raccuia Brothers Company, Inc., for Repair to Broken 4" Water Supply Pipe, Charles River Dam, Charlestown, Massachusetts -
(a) That work be accepted as completed as of November 8, 1990.
(b) That Estimate No. 2 (Final), in the amount of $1,169.30, be approved for payment.
(c) That reserve, in the amount of $633.97, be approved for payment.
(Basis of Award - $12,998.40)
(Total to Date - $12,679.44)
(Contract Administration Rating - 4.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Raccuia Brothers Company, Inc., Contractor under Contract No. P90-1577-C2A, for Repair to Broken 4" Water Supply Pipe, Charles River Dam, Charlestown, Massachusetts, be and hereby is accepted as completed as of November 8, 1990.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $1,169.30, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $633.97, for payment.

2. Report of Messrs. Faucher and Arinella, January 8, on bids for Precision Leak Detection Testing, Charles River Locks, Dam and Harbor Patrol, Charlestown/Boston, Massachusetts, Contract No. P90-1574-M2A. Account No. 2490-8881.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of SM Construction Corp., of $1,700.00).
The Commission V O T E D: to accept the lowest bid, that of SM Construction Corp., of $1,700.00.

3. Report of Messrs. Faucher and Higgott, January 2, recommending approval of Extra Work Order No. 3, in the amount of $6,727.96, for revised water services at Pavilions 5, 6, 7 and 8 on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Restoration of Pavilions and Bandstand, Revere Beach Reservation.
Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $6,727.96.

4. Report of Messrs. Faucher and DeLuca, December 26, recommending approval of the following revisions in quantities on Contract No. P90-1582-M1A, with Puraqua Pool Service, Inc., for Servicing Filtration and Sterilization Systems for Swimming Pools -

Item No. 002-020	Saw Cutting Cement Concrete	- $ 315.00
Item No. 004-080	New 2" Gate Valves	- $ 460.00
Item No. 004-110	New 4" Gate Valves	- $ 350.00
Item No. 004-380	New 2" PVC Schedule 80 Pipe	- $ 534.00
Item No. 004-410	New 4" PVC Schedule 80 Pipe	- $ 996.00
Item No. 004-440	New 2" Copper Pipe	- $ 100.00
Item No. 004-570	New 4½" Dial Type Pressure Gauges	- $ 200.00
Item No. 004-660	New ½" Threaded Injection Nozzles	- $ 240.00
Item No. 004-770	New ½" Ball Valves	- $ 165.00
Item No. 004-800	New 2" Ball Valves	- $ 225.00
Item No. 004-830	New 2" Pressure Reducing Back Flow Preventor	- $ 985.00

Item No. 007-020 - Emergency Repairs to Recirculation Pumps and Motors - $4,896.33
Item No. 008-010 - Winterizing Existing Strantrol Units - $ 100.00
for a total cost of $9,566.33
(At no additional contract cost as the revisions will be offset by anticipated unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and DeLuca in their report of December 26, 1990.

Action was taken upon the following matters relating to the Reservations and Historic Sites Division:

1. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.
The Commission V O T E D: Held Over.

2. Report of Mr. VanWart, January 7, recommending that Mountain Bikes (non-motorized all terrain vehicles) be prohibited from the Commission's reservation system.
Mr. VanWart reviewed the Division's recommendation which would prohibit the use of non-motorized all terrain vehicles from Commission reservations.
He explained that the use of mountain bikes in the Middlesex Fells and Blue Hills Reservations have raised the need for a firm policy.
Mr. VanWart then stated that due to a reduction in staff, budgetary constraints and police reorganization it is evident that the MDC can not commit resources to implement a responsible controlled use policy. He then pointed out that uncontrolled use by the bikes would result in irreversible damage to the reservations. He spoke of the three kinds of recreation carrying capacity of the reservations and their physical, ecological and psychological relationship to the mountain bike issue.
Therefore, he noted, it would not be in the best interest of the Commission to allow such use. Therefore, he recommended that no areas be designated for use of mountain bikes in the reservation system.
Mr. VanWart presented the Commission with photographs of extensive damage to trails in the Middlesex Fells Reservation caused by mountain bikes.
At this point, Andrew Fisher, Esq., of the Boston Area Bicycle Coalition, noted that his group has worked closely with MDC staff in policing bike use in the reservations and would continue to do so. He then pointed out that the cost of enforcing the ban would be more expensive then allowing bike use.
Ms. Susan Lee, representing the New England Mountain Bike Association, said her group has many volunteers ready and willing to assist the Commission in maintaining the trails. She noted that if the Commission were to ban mountain bikes from the reservations, this group would not be available to address the trail problem.
On questioning by Commissioner Bhatti, Ms. Lee explained that a trail plan has not been formulated by her group for the Blue Hills Reservation. However, a proposal has been formulated for the Middlesex Fells Reservation, designating a single trail in the western portion of the Reservation for bike use.
At this point, Ashley Korenblat of the Massachusetts Bicycle Advisory Board and Merlin Metalworks, Inc., spoke of the benefits of allowing mountain bikes in the reservations. By banning the bikes, she explained, the Commission will lose a large constituency.
Mr. Van Wart then stated that his Division is unable to take on any more responsibility due to current conditions. He then pointed out that if the activity is approved, publications serving the bikers will so note and the information will draw more bikers to the reservations.
Mr. Paul Angiolillo, a writer who uses the reservations for biking, explained that he is writing a book listing locations for mountain bike use in the area. However, because of possible

impact on the Commission trails, he will not list MDC reservations.

At this point, Joseph Sloan, a member of the Blue Hills Advisory Committee and the Trails Sub-Committee, noted that interested groups were informed in November, 1990 that a public meeting was to be held in April of 1991 for final input before a recommendation was presented for Commission approval.

At this point, Ted Keegan, representing Friends of the Middlesex Fells, read a letter outlining his group's position on the use of mountain bikes in the Reservation. In summary the letter stated:

> The proposed mountain bike trail in the Fells is a bad recommendation. Any mountain bike use on new or existing trails is unacceptable in the Fells. Mountain bike use restricted to carriage roads is also undesirable.

Mr. David Hodgdon of the Friends of the Blue Hills suggested that the Commission postpone action on the recommendation until April of 1991, so further input can be obtained.

Following a lengthy discussion, the Commission members stated that the April 1991 commitment to the various groups should be honored.

The Commission suggested that the interested groups meet with Commission staff, early in April, 1991, and at that time appropriate comments be incorporated into the policy.

The Commission suggested that appropriate media and groups be notified of the hearings so that all interested parties will have an opportunity to participate.

At this point, the Commission V O T E D: to authorize staff to use their best judgement in controlling the use of mountain bikes in the reservations until a final decision is made by the Commission.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, January 9, recommending that the Commission amend the vote of October 11, 1990 approving Project No. R91-0003-L1A, Watershed Land Acquisition - Land Appraisal Project, by authorizing expenditure of an additional $125,000.00 for the services. Time for Performance will remain at nine months - ending June 30, 1991. Account No. 2420-9883.
The Commission V O T E D: Approved.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from December 24, 1990 to December 31, 1990.

Expenditures $1,196,636.80

Adjourned at 2:00 p.m. to meet on Thursday, January 24, 1991 at 10:00 a.m.

William F. Cheshire
Secretary

Record of the Three Thousand Five Hundred and Fifty Sixth (3556th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, January 24, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on January 3, 1991 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P90-1577-C7A with Raccuia Bros. & Co., for Replacement of 100 Gallon Commercial Water Heater, Charles River Locks and Dam, Charlestown.

2. Contract No. P88-1546-C2A, dated January 24, 1991, with C. J. Mabardy Co., Inc., for Alewife Brook Clean-Up Phase II, Arlington, Massachusetts.

3. Third Amendment, dated January 24, 1991, to Contract-Agreement with SEA Consultants, for Rehabilitation of Mill Pond and Duck Pond Dams - Beaver Brook Reservation, Belmont and Waltham, Massachusetts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Young, January 14, recommending approval of the proposal from the Massachusetts Electric Company to increase the lighting along the walkway between South Street and Mystic Valley Parkway, Medford, at an increased cost to the Commission of $283.48 annually for two (2) additional poles and four (4) new lights.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Young in their report of January 14, 1991.

5. Report of Messrs. Faucher and Griffin, January 7, recommending the following on Contract No. P84-1276-C6A, with P. R. Johnson, Inc., for Tidal Gate Repairs - Greenberg Bridge, Quincy -
(a) That work be accepted as completed as of January 7, 1991.
(b) That estimate No. 4 (Final), in the amount of $10,383.26, be approved for payment.
(c) That reserve in the amount of $5,096.52, be approved for payment on March 13, 1991.
(Basis of Award - $109,112.00)
(Total to Date - $101,930.54)
(Contract Administration Rating - 4.14)
(EEO Compliance - 4.40)
The Commission V O T E D: that the work of P. R. Johnson, Inc., Contractor under Contract No. P84-1276-C6A, for Tidal Gate Repairs - Greenberg Bridge, Quincy, be and hereby is accepted as completed as of January 7, 1991.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $10,383.26, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,096.52, for payment on March 13, 1991.

6. Report of Messrs. Faucher and Lenhardt, on request of Modern Continental Construction Co., Contractor on Contract No. P84-1276-C7A, for Repairs to Monsignor William J. Casey Overpass, for approval of the following sub-contractor -
P. J. Riley & Co., Inc. - $29,850.00
Item No. 017-010 - Modification of Existing Drainage System.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

7. Report of Mr. VanWart, October 10, recommending approval of the issuance of a permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994.

Mr. VanWart reviewed the status of the Raytheon request for a Permit for the installation of the Moving Target Simulator on the Blue Hills Observatory.
He stated that all groups with an interest in the Blue Hills Reservation were notified of the proposed project and as a result letters recommending approval of the request have been received from the Metropolitan District Police, the Massachusetts Historical Commission, the Blue Hills Management Advisory Committee and the Friends of the Blue Hills, subject to certain stipulations. Mr. VanWart stated that these concerns will be addressed in the formal Permit.
Associate Commissioner O'Malley noted that her concerns regarding input from various governmental, community and environmental groups have been addressed and where appropriate, their suggestions will be incorporated into the Permit.
Mr. VanWart then outlined the proposed improvements in the amount of $10,000.00 to be made to the Blue Hills Tower by Raytheon Company and a donation of $2,000.00 towards repairs to the Elliot Tower roof.
Associate Commissioner Whelan spoke of the cooperation of Raytheon in offering to undertake the improvements and noted that this is a fine example of the private sector working with the public sector resulting in repairs to the Tower which the Commission would not be able to undertake, due to fiscal constraints. He then stated that all future requests of this nature should be judged on basis of public good and not on value of what the Commission will receive in return.
Associate Commissioner Jones spoke of the numerous requests received in the past from the private and public sectors regarding the installation of various electronic devices on top of the Blue Hills. He expressed his concerns that others might seek similar treatment for special projects if Raytheon receives the Permit.
He stated that a complete review of the impact of any similar request should be conducted by the Division prior to submittal to the Commission for action.
The Commission then addressed the matter of the benefits which will be provided to the public by the temporary installation of the Terminal Doppler Weather Radar Moving Target Simulator on top of Great Blue Hill.
Associate Commissioner Jones stated that if the Commission approves the request of Raytheon Company there should be a clause in the permit calling for periodic review of the installation to see if any technical or other problems have been caused to other installations on Great Blue Hill or the immediate area. This review, he stated, should be undertaken within a six month period of execution of the permit. He then requested that the Contracting Officer and Legal Counsel meet and draft appropriate language to be incorporated into the Permit providing for periodic review of the installation.
The Commission V O T E D: to approve the issuance of a Permit to Raytheon Company, Equipment Division, for the installation of a Moving Target Simulator on the Blue Hills Weather Observatory for the period between January 7, 1991 and July 29, 1994, subject to periodic review by the Commission to insure that the installation has no adverse effect on other public or private installation on Great Blue Hill or the immediate area. The Contracting Officer and Legal Counsel were directed to draft appropriate language to be incorporated into the Permit providing for periodic review of the project.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Letter of Gregory F. Dolan, Executive Director of Community Boating, requesting approval of the following fees for the 1991 season. Also, report of Messrs. Rodrigues and Tilas, January 9, recommending approval as follows:

	1990	1991
Lifetime	$2,000.00	$2,000.00
Full Season	$ 195.00	$ 195.00
Senior Citizen	$ 35.00	$ 35.00

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Junior	$ 1.00	$ 1.00
30-Day	$ 65.00	$ 75.00
75-Day	$ 140.00	$ 155.00
Youth 30-Day	$ 50.00	$ 55.00
Youth 75-Day	$ 100.00	$ 110.00
Youth Full Season	$ 125.00	$ 140.00
Seven Day	$ 35.00	$ 55.00
Weekend Pass (new)		$ 40.00

The Commission V O T E D: Approved.

1. At this point, Jayne E. Brady, Transportation and Project Coordinator, appeared before the Commission and informed the Commissioners that she will be resigning, as of February 1, 1991, to accept a position in Washington, D.C. Commissioner Bhatti, expressed the Commission's appreciation for the outstanding work performed by Ms. Brady over the past 4½ years and wished her success in all future endeavors.

The following matters were placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from December 31, 1990 to January 7, 1991.

Expenditures $464,557.01

3. The following schedules were approved for payment by the Commissioner during the period from January 7, 1991 to January 14, 1990.

Expenditures $215,179.24

Adjourned at 12:05 p.m. to meet on Thursday, February 7, 1991 at 10:00 a.m.

William F. Rushby
Secretary

Record of the Three Thousand Five Hundred and Fifty Seventh (3557th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 7, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meetings held on January 10, 1991 and January 17, 1991, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Second Amendment, dated February 7, 1991, to Contract-Agreement No. P80-0844-D1A, with The Maguire Group, for Beaver Brook Reach I.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Kelly, December 27, 1990, recommending the following on Contract No. P89-1554-C1A, with Balfour Engineering Co., Inc., for Charles River Basin Destratification Facilities Installation and Maintenance of a Compact Air Compressor System at Fens Gate House, Boston -
(a) That work be accepted as completed as of December 6, 1990.
(b) That Estimate No. 11 (Final), in the amount of $174.32, be approved for payment.
(c) That reserve, in the amount of $403.42, be approved for payment on February 9, 1991.
(Basis of Award - $52,192.00)
(Total to Date - $52,192.00)
(Contract Administration Rating - 3.30)
(EEO Compliance - 3.50)
The Commission V O T E D: that the work of Balfour Engineering Co., Inc., Contractor under Contract No. P89-1554-C1A, for Charles River Basin Destratification Facilities Installation and Maintenance of a Compact Air Compressor System at Fens Gate House, Boston, be and hereby is accepted as completed as of December 6, 1990.
The Commission further V O T E D: to approve Estimate No. 11 (Final), in the amount of $174.32, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $403.42, for payment on February 9, 1991.

3. Report of Messrs. Faucher and Higgott, January 31, recommending approval of Extra Work Order No. 4, in the amount of $74,433.75, for column repairs and bandstand bracket restoration, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand - Revere Beach Reservation.
(Funds available in Account No. 2440-8881).
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $74,433.75.

4. Report of Messrs. Faucher and O'Connor, January 29, recommending approval of a revision in quantity on Item No. 025-010 - Traffic Control Services - at an increase in cost of $2,776.00, on Contract No. P84-1276-C3A, with John Mahoney Construction Company, for Bridge Deck Replacement of the General E. Leroy Sweetser Bridge, Everett.
(Funds available in Account No. 2490-8881).
The Commission V O T E D: Approved.
At this point, Associate Commissioner Whelan questioned the status of the MDC's claim against the project consultant for errors and omissions on the Bridge Deck Replacement of the General E. Leroy Sweetser Bridge project.
Mr. Jewett responded that he has been in contact with the President of Hoyle Tanner and Associates, project consultant, and discussed the issue of filing a claim against their insurance policy. The President of Hoyle Tanner and Associates requested that he be permitted to meet with Commission staff to discuss the matter prior to the MDC filing the claim.

Messrs. Jewett and Baratta indicated that it would not be advisable to file a formal claim against the Consultant while discussions concerning errors and omissions are taking place.
At this point, Associate Commissioner Scandrett requested an update on the status of the claim by Crews Brothers Construction Company against John Mahoney Construction Co., Inc.,/Whittier Equipment Corporation, a Joint Venture, regarding the overdue payment for sub-contract work for the General E. Leroy Sweetser Bridge Replacement project.
Mr. Jewett advised the Commission that a partial settlement has been reached between the General Contractor and the Sub-Contractor.
He explained that the outstanding balance, which is still in dispute, will be placed in an escrow account in the names of both firms and will remain in the escrow account until a further agreement is reached or a court payment is ordered.
The Commission noting that two letters have been received from Crews Brothers Construction Company, concerning the matter, requested a response be prepared and sent to the firm, over the signature of the MDC General Counsel acknowledging receipt of the letters.

1. Report of Messrs. Faucher and Mayhew, February 1, recommending approval of Extra Work Order No. 1, in the amount of $720.00, for the installation of a six foot high chain link fence, on Contract No. P91-1595-C1A, with James G. Grant Co., Inc., for Demolition of Structures and Trash Removal at 98 Taylor Street, Dorchester. (At no additional contract cost as the extra work will be offset by unused quantities in another item).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $720.00.

Action was taken upon the following matter relating to the Office of Landscape Architect:

2. Report of Mr. Jackson, January 30, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P88-1541-C1A, Improvement to Ventura Playground, Dorchester, Estimated Cost $400,000.00 - Account No. 2440-8888.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Messrs. McGinn and O'Connor, January 22, on proposals for the tapping of Sugar Maple trees located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the only bid received, that of Donald Reutlinger, of $190.00; allowing 471 taps of 277 sugar maple trees on Sugar Maple Lot #30 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest bid received, that of Hamilton Orchards, of $173.00; allowing 323 taps of 205 sugar maple trees on Sugar Maple Lot #31 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only bid received, that of Philip Johnson, Jr., of $227.00; allowing 557 taps on 287 sugar maple trees on Sugar Maple Lot #32 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest bid received, that of Hamilton Orchards, of $216.00; allowing 404 taps of 171 sugar maple trees on Sugar Maple Lot #33 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only bid received, that of Philip Johnson, Jr., of $204.00; allowing 491 taps of 202 sugar maple trees on Sugar Maple Lot #34 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only bid received, that of Shattuck's Sugar House, of $179.00; allowing 716 taps of 403 sugar maple trees on Sugar Maple Lot #35 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only bid

received, that of Donald Carlson, of $132.00; allowing 661 taps of 317 sugar maple trees on Sugar Maple Lot #36 - Quabbin Reservoir Watershed.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, January 23, submitting for approval and execution, four Contracts for Watershed Land Acquisition Program - Real Estate Title Examiners, as follows -

NAME	VALUE	PARCELS
Valley Title Company, Ltd.	$4,095.00	13
Gould Title Company	$5,100.00	12
Hobbs Abstract Company	$3,705.00	13
Peter E. Flynn	$3,050.00	10

(The Contracts must be completed by June 30, 1991).
Account Nos. 2420-1846 and 2420-9883.
The Commission V O T E D: Approved.
The Secretary submitted for signature Contracts, dated February 7, 1991, which were signed by the Commissioner and four Associate Commissioners.

2. Report of Mr. Jewett, January 25, submitting for approval and execution eight Contracts for Watershed Land Acquisition Program - Professional Real Estate Appraisal Services, as follows -

NAME	VALUE	PARCELS
O'Connor Real Estate Associates, Inc.	$44,000.00	4
Leo M. Flynn	$60,288.00	12
Casey and Dennis	$35,996.00	8
George A. Frattaroli	$41,878.00	10
Abigail A. Burns	$37,026.00	9
Walden Associates, Inc.	$46,238.00	15
Paul J. Reynolds	$52,918.00	9
Peter S. Emerson & Associates	$53,211.00	12

Account Nos. 2420-9883 and 2420-1846.
The Commission V O T E D: Approved.
The Secretary submitted for signature Contracts, dated February 7, 1991, which were signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. Wright, February 1, submitting for approval and signature annual contract, between the Metropolitan District Commission and the City of Boston pertaining to the maintenance and operation of the James Michael Curley Recreational Facility, for a period of one year.
The Commission V O T E D: Approved.
The Secretary then submitted for signature contract, dated February 7, 1991, between the Metropolitan District Commission and the City of Boston pertaining to the maintenance and operation of the James Michael Curley Recreational Facility, which was signed by the Commissioner and four Associate Commissioners.

4. Report of Mr. Wright, February 4, recommending that the Commission amend the vote of May 5, 1988 approving selection of GEI Consultants, Inc., for Project No. P87-1467-S1A, Environmental Testing and Assessment for Dorchester Shores, by increasing the upset limit from $250,000.00 to $263,229.40, by increasing the time of performance from February 15, 1991 through March 15, 1992, and changing Account No. from 2440-8755 to 2449-8755. Also submitting Contract No. P87-1467-S1A for execution.
The Commission V O T E D: to amend its vote of May 5, 1988 approving selection of GEI Consultants, Inc., for Project No. P87-1467-S1A, Environmental Testing and Assessment for Dorchester Shores, by increasing the upset limit from $250,000.00 to $263,229.40, by increasing the time of performance from February 15, 1991 through March 15, 1992, and changing Account No. from 2440-8755 to 2449-8755.
The Secretary then submitted for signature Contract-Agreement No. P87-1467-S1A, dated February 7, 1991, with GEI Consultants, Inc., which was signed by the Commissioner and four Associate Commissioners.

1. Report of Mesdames Anderson and O'Brien, February 4, recommending that the Commission authorize the Commissioner to negotiate with Harvard University to renew the Weld Boat House lease in accordance with the authorizing legislation, Chapter 536 of the Acts of 1989; and consistent with the terms and conditions listed in Commissioner Bhatti's January 29, 1991, letter to Division of Capital Planning and Operation's Commissioner John Bradshaw; and as set forth in the MDC's draft lease dated January 15, 1991.
Associate Commissioner Whelan and Associate Commissioner Scandrett questioned the method of payment for the lighting of the Larz Anderson Bridge. Commissioner Bhatti stated that a payment schedule for the cost of lighting the bridge by Harvard University will be included in a separate agreement, with the payments not earmarked for the Metropolitan Parks Trust Fund.
The Commission discussed the legislative background of this lease. Commissioner Bhatti noted the Division of Capital Planning and Operations (DCPO) must consult with the Commission before the final agreement is executed. He further noted that during the consultation process with DCPO, that all interests of the Commission will be protected.
Associate Commissioner Whelan questioned the use of the word "authorize" in the request for Commission action. He also stated that the Commission must insure that the taxpayers receive proper value for the agreement.
Associate Commissioner O'Malley questioned the conditions of the lease as previously outlined by the Executive Office of Environmental Affairs (EOEA).
Commissioner Bhatti responded that, in the opinion of MDC Legal Counsel, it is the Commission and not the EOEA which has the legal authority to negotiate and enter into a binding agreement with Harvard University in regard to these lease conditions. In addition, in the opinion of MDC Legal Counsel, certain provisions including the exclusive use of the John F. Kennedy Park in Cambridge by Harvard University, for certain private events, should not be considered or included in the Weld Boat House agreement.
Associate Commissioner Jones stated that the final agreement would be subject to review by the Commission, especially in light of the ninety-nine-year term of the lease. Commissioner Bhatti assured Associate Commissioner Jones that, in accordance with policy and procedure, the Commission will consider and review the final documents.
Associate Commissioner Jones further noted that the Commission should ensure the democratic use of the Weld Boathouse as public property, by incorporating strong clauses to that effect in the final documents, referring as an example, to the anti-discrimination provisions in paragraph nine of the draft lease dated January 15, 1991.
Associate Commissioner Jones moved that Commissioner Bhatti take under advisement the comments made by the Commission on this matter in his negotiations with Harvard University. The motion was seconded and approved.
Associate Commissioner Jones then questioned the provision in paragraph three of Commissioner Bhatti's letter of January 29, 1991 to John F. Bradshaw, DCPO Deputy Commissioner, regarding the appraisal of the Weld Boathouse and the amount of $660.00 as it represents the initial annual rental payment. The Commission discussed the fact that the draft lease called for a precedent setting approach and practice for setting payments and fees for boathouses and yacht clubs, basing such amounts on appraisals which reflect not only the value for the property but the benefits received by the private users for the use of public property.
Associate Commissioner Scandrett noted that the $660.00 fee is far removed from the actual value of the property.
Associate Commissioner Whelan noted that this boathouse agreement is far different than rental agreements for small boat clubs on Commission property due to the ninety-nine-year duration.
The Commission further V O T E D: to authorize Commissioner Bhatti to negotiate with Harvard University to renew the Weld Boat House lease in accordance with the authorizing legislation, Chapter 536 of the Acts of 1989; and consistent with the terms and conditions listed in his January 29, 1991, letter to Division of Capital Planning and Operation's Commissioner John Bradshaw;

and as set forth in the MDC's draft lease dated January 15, 1991.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, January 25, requesting that the Commission adopt a Land Disposition Policy and further that the Commissioner instruct all Divisions of the MDC to implement the policy in letter and in spirit.
Mrs. Anderson noted that the MDC in conjunction with other Executive Office of Environmental Affairs (EOEA) agencies developed a land acquisition policy and procedures in 1989 which is currently followed by all EOEA agencies. At this time, the MDC has taken the lead role in developing a land disposition policy and procedures for all EOEA agencies. The EOEA promulgated its land disposition statement November 10, 1990 and instructed its constituent agencies to adopt a land disposition policy which is consistent with that adopted by EOEA.
Mrs. Anderson then cited the need to coordinate response within the Commission to legislation introduced to dispose of MDC property.
Associate Commissioner Scandrett expressed his concern that in the past the Commission has declared certain property surplus prior to passage of legislation or simply because of the enactment of legislation. He further expressed his concern that the Commission and staff should review and consult with each other on such matters before the Commission is asked to declare property surplus to its needs.
Mrs. Anderson recognized this need and stated that the policy statement presented to the Commission for adoption is designed to ensure full review and comment by staff including Land Board review prior to requesting any action by the Commission.
At this point, Mrs. Anderson reviewed the flow chart which will be used to track the internal process of review of proposed disposition of land by the MDC.
Associate Commissioner Jones expressed certain concerns and requested that the Commission be informed during the initial stages of staff review of all dispositions. Mrs. Anderson responded by proposing to revise the flow chart by requiring submission to the Commission of all MDC Land Board minutes.
Associate Commissioner Scandrett requested that the flow chart be revised to show the relationship of the Legislative Office with the process.
Mrs. Anderson noting the various concerns addressed by the Commission stated that she will prepare a new flow chart incorporating the suggestions and comments of the Commission including -

A copy of each petition or proposal be submitted to the Commission for review prior to any Land Board action.
Following any action by the Land Board, a copy of the minutes must be submitted to the Secretary for distribution to the Commission.

Mrs. Anderson then stated that she will work with the MDC's Legislative Office and develop a model letter of response to legislation submitted to the Commission for consideration.
The Commission V O T E D: Held Over.

2. Report of Mrs. Anderson, January 30, recommending that the Commission rescind its vote of January 3, 1991 "to adopt an order of taking for 8.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts and to approve an award of damages in the amount of $44,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $45,000.00", and to adopt an order of taking for 9.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts and to approve an award of damages in the amount of $40,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $41,000.00.
(Account No. 2000-8882).
Mrs. Anderson stated that Mr. Donovan was initially willing to

accept the offer of $44,000.00 and waive his rights to sue for additional damages.

Since that time, she explained, Mr. Donovan has reconsidered and is not willing to accept the offer of $44,000.00. He has now submitted a counter offer of $85,200.00 which is far above our independent fee appraisal of $44,000.00, she stated.

Associate Commission Whelan questioned whether the Commission could encounter any legal problems by reducing the original offer from $44,000.00 to $40,000.00.

Mr. Gray responded that Mr. Donovan could sue the Commission and therefore, it would be in the Commission's best interest to have full discussion and documentation of the negotiations on file.

Following a lengthy discussion the Commission V O T E D: to rescind its vote of January 3, 1991 'to adopt an order of taking for 8.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts and to approve an award of damages in the amount of $44,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $45,000.00'.

The Commission further V O T E D: to adopt an order of taking for 9.8± acres of land owned by James E. Donovan, located in the Town of New Salem, Massachusetts and to approve an award of damages in the amount of $40,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $41,000.00.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, February 7, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts shown on a plan entitled "Taking Plan of Land in New Salem (Franklin Co.)", prepared by C.T. Male Associates, P.C., and dated June 15, 1990, which plan shall be recorded with this order in the Franklin County Registry of Deeds and made a part of this order, namely:

A parcel of land with the building thereon situated in said New Salem, lying on the westerly side of Prescott Road and also lying about 300 feet westerly of the Metropolitan District Commission Quabbin Reservation Gate No. 20 on Prescott Road, and more particularly bounded and described as follows:

BEGINNING at a point in a stone wall on the westerly side of Prescott Road, at the southeasterly corner of land now or formerly of The Inhabitants of New Salem and known as Mountain View Cemetery, and at the northeasterly corner of land of James E. Donovan;

THENCE S. 01 degrees 28' 05" E. a distance of 144.40 feet along said stone wall on the westerly side of Prescott Road to a point;

THENCE S. 86 degrees 47' 22" W. a distance of 260.82 feet along land now or formerly of Allan C. Arnaboldi and Paul E. Muller to a point;

THENCE S. 18 degrees 31' 40" W. a distance of 215.28 feet along said land of Arnaboldi and Muller to a point in a stone wall currently submerged in a beaver pond;

THENCE S. 81 degrees 29' 07" W. a distance of 1164.37 feet along land of the Commonwealth of Massachusetts to a drill hole in a stone bound;

THENCE N. 10 degrees 12' 04" W. a distance of of 322.44 feet along land of the Commonwealth to a drill hole in a stone bound;

THENCE N. 81 degrees 56" 09" E. a distance of 1330.61 feet partly along land of the Commonwealth and partly along land of Arthur L. and Doris E. Cornwell to a fence post;

THENCE N. 81 degrees 43' 15" E. a distance of 218.59 feet by said Cemetery land to the point of beginning.

Containing 9.829 acres of and, more or less.

Meaning and intending to take hereby the premises referred to as Lot No. 3 in a deed from William G. Lord to Gertrude M. Perry, dated November 25, 1930, and recorded with Franklin County Registry of Deeds in Book 791, Page 138, howsoever the same may be bounded and described, together with any and all fee interest in said Prescott Road held by said owner of record.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
James E. Donovan	$ 40,000.00

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from January 14, 1991 to January 21, 1990.

   Expenditures $805,623.44

2. The following schedules were approved for payment by the Commissioner during the period from January 21, 1991 to January 28, 1991.

   Expenditures $1,439,717.46

Adjourned at 1:25 p.m. to meet on Thursday, February 14, 1991 at 10:00 a.m.

William J. Arnold
Secretary

Record of the Three Thousand Five Hundred and Fifty Eighth (3558th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 14, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on January 24, 1991, were read and approved.

Action was taken upon the following matter relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and O'Connor, February 5, recommending approval of the request of the contractor for an extension of time from January 31, 1991 to April 30, 1991, on Contract No. P82-1047-C1A, with J. F. White Contracting Company, for Rehabilitation of the General Edwards Bridge.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time from January 31, 1991 to April 30, 1991, as recommended by Messrs. Faucher and O'Connor in their report of February 5, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and McCalla, February 7, on bids for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts. Contract No. P91-1609-M1A.
Account No. 2444-9001-NN.
(Messrs. Faucher and McCalla recommend acceptance of the lowest bid received, that of New England Traffic Signals, Inc., of $174,347.40).
The Commission V O T E D: to accept the lowest bid received, that of New England Traffic Signals, Inc., of $174,347.00.

3. Report of Messrs. Faucher and Young, February 7, on bids for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts. Contract No. P91-1608-M1A.
Account No. 2444-9001-NN.
(Messrs. Faucher and Young recommend acceptance of the lowest bid received, that of New England Traffic Signals, Inc., of $170,453.00).
The Commission V O T E D: to accept the lowest bid received, that of New England Traffic Signals, Inc., of $170,453.00.

4. Report of Messrs. Faucher and Lespasio, February 11, on bids for Bridge Deck Resurfacing of the John F. Gilmore Bridge, Boston and Cambridge, Contract No. P84-1276-C1B. Account No. 2490-8881.
(Messrs. Faucher and Lespasio recommend acceptance of the lowest bid received that of R. Zoppo Co., Inc., of $820,592.00).
The Commission V O T E D: to accept the lowest bid received that of R. Zoppo Co., Inc., of $820,592.00.

5. Report of Messrs. Faucher and Mayhew, February 7, recommending approval of the request of the Contractor for an extension of time from November 1, 1990 to March 31, 1991, on Contract No. P87-1456-C1A, with John Mahoney Construction Co., Inc., for Installation of Safety Fencing, Georges Island, Boston Harbor.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time, from November 1, 1990 to March 31, 1991, as recommended by Messrs. Faucher and Mayhew in their report of February 7, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

6. Report of Messrs. Faucher and Abounaja, February 8, recommending approval of the request of John Mahoney Construction Co., Contractor on Contract No. P89-1556-C1A, for Old Harbor Park, to engage the services of Ernest Minelli, Inc., as sub-contractor for slope revetment construction at a cost of $1,397,000.00.

The Commission V O T E D: Approved as recommended by Messrs. Faucher and Abounaja in their report of February 8, 1991.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Mr. McGinn, February 8, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. WM92-001-X1A, Laboratory Service Contract. Estimated Cost $25,000.00. Time for Performance 12 months. Account No. 2420-1400.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Office of Real Property:

3. Report of Mrs. Anderson, January 25, requesting that the Commission adopt a Land Disposition Policy and further that the Commissioner instruct all Divisions of the MDC to implement the policy in letter and in spirit.
Mrs. Anderson explained that the revisions requested by the Commission, at the meeting of February 7, 1991, have been incorporated into the Land Disposition Policy. Mr. Gray then reviewed the revisions with the Commission.
Associate Commissioner Scandrett stated that the Commission has never received copies of the Minutes of prior MDC Land Board Meetings. However, he noted, with the revisions in the new Land Disposition Policy a copy of the Minutes of any formal Meeting, shall be submitted to the Secretary for distribution to the Commission. These Minutes will provide the Commission with essential information prior to a request for land disposition, he noted.
Associate Commissioner Jones then requested that a flow diagram be incorporated into the minutes of today's Meeting outlining the inter-action of the Real Property Office, the Land Board, other Agency Divisions and the Commission, at various steps in the disposition process. The flow diagram should include a statement that the diagram is for guidance purposes only and is not an absolute, he stated. The Commission, he noted, should be kept abreast of the progress of any proposed disposition by memoranda issued at least at the start and at points when the Land Board, the Real Property Office and other Agency Divisions make definitive decisions.
Associate Commissioner Jones asked that decisions by the Land Board be documented with minutes of the meetings at which they were reached. These minutes, he stated, should provide an opportunity for minority vote rational to be expressed.
The Commission V O T E D: to adopt the Land Disposition Policy with the understanding that the various steps will be included in the flow diagram.
The Commission further V O T E D: that all Divisions implement the policy in letter and in spirit.
The Commission further V O T E D: that the Land Board's responsibilities and authority should be described in a formal document which also includes the names of the members.
The Commission further V O T E D: that all Divisions implement the policy in letter and in spirit.
At this point, on questioning by Associate Commissioner O'Malley, Mrs. Anderson stated that the MDC Land Board includes a member from all Divisions which have an interest in the disposition of MDC land. In addition, she explained, if necessary the Commission Secretary, Legal Counsel and Director of Community Affairs are asked to sit-in on certain MDC Land Board Meetings.
Commissioner Bhatti questioned if a Commission vote was ever taken which formally established the MDC Land Board. Mrs. Anderson stated that to the best of her knowledge, the Board was formed by an executive directive of the Commissioner in 1974.
Commissioner Bhatti then requested that Mrs. Anderson prepare a proposal including formal by-laws of the MDC Land Board for his review. The final proposal will be submitted by the Commissioner to the Commission for review and approval.
The following is the complete Land Disposition Policy Statement as adopted by the Commission:

MDC LAND DISPOSITION POLICY AND PROCEDURES

I. INTRODUCTION and PURPOSE

G.L. c. 21A, s. 2, mandates that the Executive Office of Environmental Affairs (the "EOEA") and its appropriate departments and divisions "shall carry out the state environmental policy". Consistent with this mandate, the Metropolitan District Commission (the "MDC") and the other departments and divisions of the EOEA, as determined and empowered by special and general legislation, are responsible for the acquisition, protection, preservation and enhancement of parklands, conservation lands, open space, and all other such lands and interests in real property owned and held by the Commonwealth of Massachusetts. These lands and interests are also protected by Article 97 of the Articles of Amendment to the Constitution of Massachusetts ("Article 97"), an environmental protection provision which states that "[t]he people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose".

It is the purpose of this policy statement to set forth the conditions which must be met before a disposition of lands or interests in land protected by Article 97 might be supported by the MDC, and to establish procedural requirements which must be met prior to submission to the Division of Capital Planning and Operations in accordance with G.L. c. 7, ss. 40E-40J. **As a general rule, and under most circumstances, any disposition of Article 97 Land is contrary to and inconsistent with the statutory mandate of the MDC.** This policy statement and its procedural requirements shall apply to each proposed disposition of real property rights and interests under the care and control of the MDC, since the formal determination of Article 97 protection is incorporated within the procedures established by this policy statement.

II. BACKGROUND SUMMARY

From its inception nearly one hundred years ago, the MDC has been charged by the General Court with protecting and policing the public lands within its care and control. Throughout this period, and despite constant revisions to its enabling legislation and the resulting restructuring of the agency itself, the MDC has remained steadfast and consistent in its expression and implementation of land stewardship policy and procedure.

An insightful example of a previous policy statement adopted by the MDC regarding the "sale, lease or other disposition or diversion of park land", is shown in this excerpt from the MDC Park Land Policy, as adopted by the Commission in its 2964th meeting, on June 23, 1977:

> There will always be good and worthy causes seeking to build facilities on park land; all such efforts, however, must be resisted, not as a criticism of a particular project, but rather to protect and preserve park land, a worthy cause in itself. ... In considering the disposition of any land, it is essential to understand that park development is a slow process requiring very long term planning. The Commission is even yet engaged in projects for which the original planning was done in the 1890's. Not uncommonly, Commission land may appear dormant, underutilized or even neglected. This does not imply that the land is "useless" to the MDC or the public at large.

In light of the approval by the people of Article 97 in 1972, the creation by statute of the Executive Office of Environmental Affairs in 1974, and recent developments in environmental law, policy and regulation -- e.g., the Environmental Enhancement Act of 1987 (Chapter 564) -- this policy statement is intended to update and reinforce the role of the MDC in protecting and policing public lands within its care and control.

III. DEFINITIONS

"Article 97 Land" is defined as any land or interest in real property constituting a "natural resource" and therefore under the protection of Article 97, as set forth within Article 97 and as otherwise defined by law, including but not limited to the following: parklands and reservations; parkways and boulevards; conservation lands and conservation restrictions; wetlands; watershed lands and watershed preservation restrictions; rivers and ponds; agricultural lands and agricultural preservation restrictions; recreation lands; and open space.

"Article 97 Land Disposition" is defined as a.) any transfer or conveyance of ownership or other interests, or b.) any change in physical or legal control, or c.) any change in use, in and to Article 97 Land or interests in Article 97 Land owned or held by the Commonwealth, whether by deed, easement, lease or any other instrument effectuating such transfer, conveyance or change. A revocable permit or license is not considered a disposition so long as no interest in real property is transferred to the permittee or licensee, and no change in control or use occurs thereby.

IV. STATEMENT OF POLICY

It is the policy of the MDC to protect, preserve and enhance all Commonwealth-owned Article 97 Land under its care and control. Accordingly, as a general rule, the MDC shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of, any right or interest of the Commonwealth in and to Article 97 Land.

V. EXCEPTIONAL CIRCUMSTANCES - CONDITIONS and REQUIREMENTS

Under exceptional circumstances, the MDC will consider an Article 97 Land Disposition, but only after certain conditions and requirements are met. The determination of an Article 97 Land Disposition, and what constitutes such "exceptional circumstances", rests solely with the MDC and the EOEA, and applies only after a thorough consideration and documentation of the facts presented with each proposed Article 97 Land Disposition. In all instances, the MDC and the EOEA will give due consideration to the facts and to the law.

A. CONDITIONS:

All the following conditions must be met before the MDC considers an Article 97 Land Disposition:

1. The disposition preserves, protects, promotes, advances and enhances the mission, plans, policies and legal mandate of the MDC; and

2. The disposition serves an Article 97 public purpose or another public purpose without detracting from the mission, plans, policies and mandate of the MDC; and

3. The disposition is duly authorized by legislation which has been enacted by a two-thirds vote, taken by yeas and nays, of each branch of the General Court, as required by Article 97; and

4. The disposition is duly authorized or approved by all local, municipal, state and federal agencies, authorities or other governmental bodies so empowered by law.

B. REQUIREMENTS:

In order to determine and declare compliance with the above conditions, all of the following procedural requirements must be met to the satisfaction of both the MDC and the EOEA, before each proposed Article 97 Land Disposition proceeds to the jurisdiction of the Division of Capital Planning and Operations (DCPO) under G.L. c. 7, ss. 40E-40J. It is important to note, that the MDC shall not formally respond to any proposed disposition in accordance with this policy statement, unless and until authorizing legislation is filed with the General Court.

1. Provided authorizing legislation is filed with the General Court, the sponsor(s) or proponent(s) of that legislation must request a formal review of the proposed disposition by the Land Board of the MDC in accordance with this policy statement. All supporting documentation, including title information, surveys, plans and maps, and all documentation prepared and submitted to date in compliance with the Massachusetts Environmental Policy Act, G.L. c. 30, ss. 61 through 62H inclusive, as amended (MEPA), including an Environmental Notification Form (ENF) if and as required by 301 C.M.R. 11.00, must be submitted to the Land Board of the MDC to facilitate staff review, as requested. The MDC Real Property Office and the MDC Legislative Office shall coordinate the response of the MDC to each proposed disposition.

2. Once a formal proposal or petition, conforming to Land Board standards, is submitted by the sponsor(s) or proponent(s) for Land Board review of the proposed disposition, and prior to any action thereon by the Land Board, an original or a copy of such proposal or petition shall be submitted to the Secretary of the MDC for distribution to the Commissioner and each Associate Commissioner. Also, subsequent to such review and any action thereon by the Land Board, an original or a copy of the minutes of the formal meeting(s) at which the Land Board considers the proposed disposition, shall be submitted to the Secretary of the MDC for distribution to the Commissioner and each Associate Commissioner.

3. Once staff review is completed, the MDC, acting by and through its Land Board, duly determines whether the disposition authorized or to be authorized by the General Court constitutes an Article 97 Land Disposition. If the Land Board determines that the rights or interests in land to be disposed of are not entitled to the protection of Article 97, then the Land Board proceeds with the disposition and requests appropriate action by the Commission in accordance with its own internal guidelines and procedures, and in accordance with the established DCPO disposition process.

4. If the Land Board determines that the rights or interests in land to be disposed of are entitled to the protection of Article 97, it next determines whether it should approve or disapprove the Article 97 Land Disposition. No such determination shall be made unless and until all environmental assessments required by law have been completed, and the results have been reviewed and analyzed by the Land Board. Approval or disapproval of the Article 97 Land Disposition shall be based upon criteria developed and established by the Land Board.

5. If the Land Board disapproves the Article 97 Land Disposition, it so notifies the legislative sponsor(s) or proponent(s) in keeping with established practice.

6. If the Land Board approves the Article 97 Land Disposition, it then proceeds with such Disposition by requesting appropriate action by the Commission. If the majority of the Commission votes to approve such Disposition as presented by the Chairperson or the appropriate member(s) of the Land Board, then that Chairperson or member prepares an EOEA Article 97 Land Disposition Form, which documents such approval by the Commission of the Article 97 Land Disposition, and then submits the EOEA Article 97 Land Disposition Form to the EOEA for its approval.

7. Based upon the EOEA Article 97 Land Disposition Form as submitted, and any documentation or material as requested by the EOEA, the EOEA makes its informed determination of approval or disapproval of the Article 97 Land Disposition.

8. If the EOEA disapproves the Article 97 Land Disposition, then the EOEA forwards the EOEA Article 97 Land Disposition Form, which specifies the reason(s) for such disapproval, to the MDC, and the Land Board of the MDC so notifies the sponsor(s) or proponent(s) of the authorizing legislation. The MDC and the EOEA shall take no further action on any disapproved Article 97 Land Disposition. If subsequent legislation is submitted or enacted which amends or otherwise revises the original authorizing legislation, it shall be duly considered by the Land Board in accordance with this policy statement.

9. If the EOEA approves the Article 97 Land Disposition, it shall forward the EOEA Article 97 Land Disposition Form, as approved, to the MDC. Upon receipt of the EOEA Article 97 Land Disposition Form, then and only then shall the MDC prepare and submit, together with a duplicate or copy of the EOEA Article 97 Land Disposition Form, such form or forms as required by DCPO to initiate the DCPO polling and disposition process. Concurrently, the MDC shall forward a duplicate or copy of the EOEA Article 97 Land Disposition Form to the sponsor(s) or proponent(s) of the authorizing legislation.

10. In each case, approval of an Article 97 Land Disposition shall be conditioned upon full compliance with all regulations and procedures promulgated and established by the MDC and by the EOEA and its departments and divisions, together with all applicable local, municipal, state and federal laws and regulations.

11. The conditional nature of the approvals by the EOEA and its departments and divisions to any Article 97 Land Disposition and the ensuing DCPO disposition process, shall be so noted on each EOEA Article 97 Land Disposition Form. The EOEA Article 97 Land Disposition Form, and any and all conditions, restrictions or requirements solicited and determined during the EOEA internal review period, shall be incorporated within the surplus declaration statement submitted by the MDC to DCPO as required by G.L. c. 7, ss. 40F and 40F 1/2.

12. Once the foregoing conditions and requirements are met, the Article 97 Land Disposition proceeds under the direction of DCPO and in accordance with established DCPO guidelines.

13. If and when the proposed legislative authorization for an Article 97 Land Disposition is not passed or is not enacted within the current legislative session, regardless of whether the requisite documentation has been submitted to DCPO, then the MDC and the EOEA shall consider that Article 97 Land Disposition to be no longer valid, and that particular EOEA Article 97 Land Disposition Form to have no further force or effect.

FLOW DIAGRAM
METROPOLITAN DISTRICT COMMISSION
LAND DISPOSITION POLICY AND PROCEDURES
[For informational purposes only]

PHASE I

TASK: INFORMATION GATHERING AND PRELIMINARY EVALUATION
LEVEL: DEPARTMENT OR AGENCY

IF

RECEIVE REQUEST FOR FEE, EASEMENT, OR LEASE

(1) FROM PRIVATE PARTY
(2) FROM PUBLIC PARTY

THEN

REFER TO REAL PROPERTY OFFICE

THEN

SEND COPY OF AGENCY AND EOEA DISPOSITION POLICIES AND PROCEDURES WITH APPROPRIATE COVER LETTER.

REQUEST ENOUGH INFORMATION FOR INITIAL CANVAS OF APPROPRIATE DIVISION OR DIVISIONS.

THEN

RECEIVE PRELIMINARY INFORMATION FROM THE PETITIONER(S) AND REFER TO APPROPRIATE DIVISION OR DIVISIONS, AND TO THE SECRETARY TO COMMISSION.

IF

RECEIVE REQUEST FOR AGENCY'S POSITION ON LAND DISPOSITION BILL WHICH HAS ALREADY BEEN FILED WITH ADEQUATE SUPPORTING DOCUMENTATION

THEN

REAL PROPERTY OFFICE WORKS WITH LEGISLATIVE OFFICE AND APPROPRIATE DIVISIONS TO DEVELOP INITIAL AGENCY POSITION. LEGISLATIVE OFFICE INFORMS THE COMMISSION.

THEN

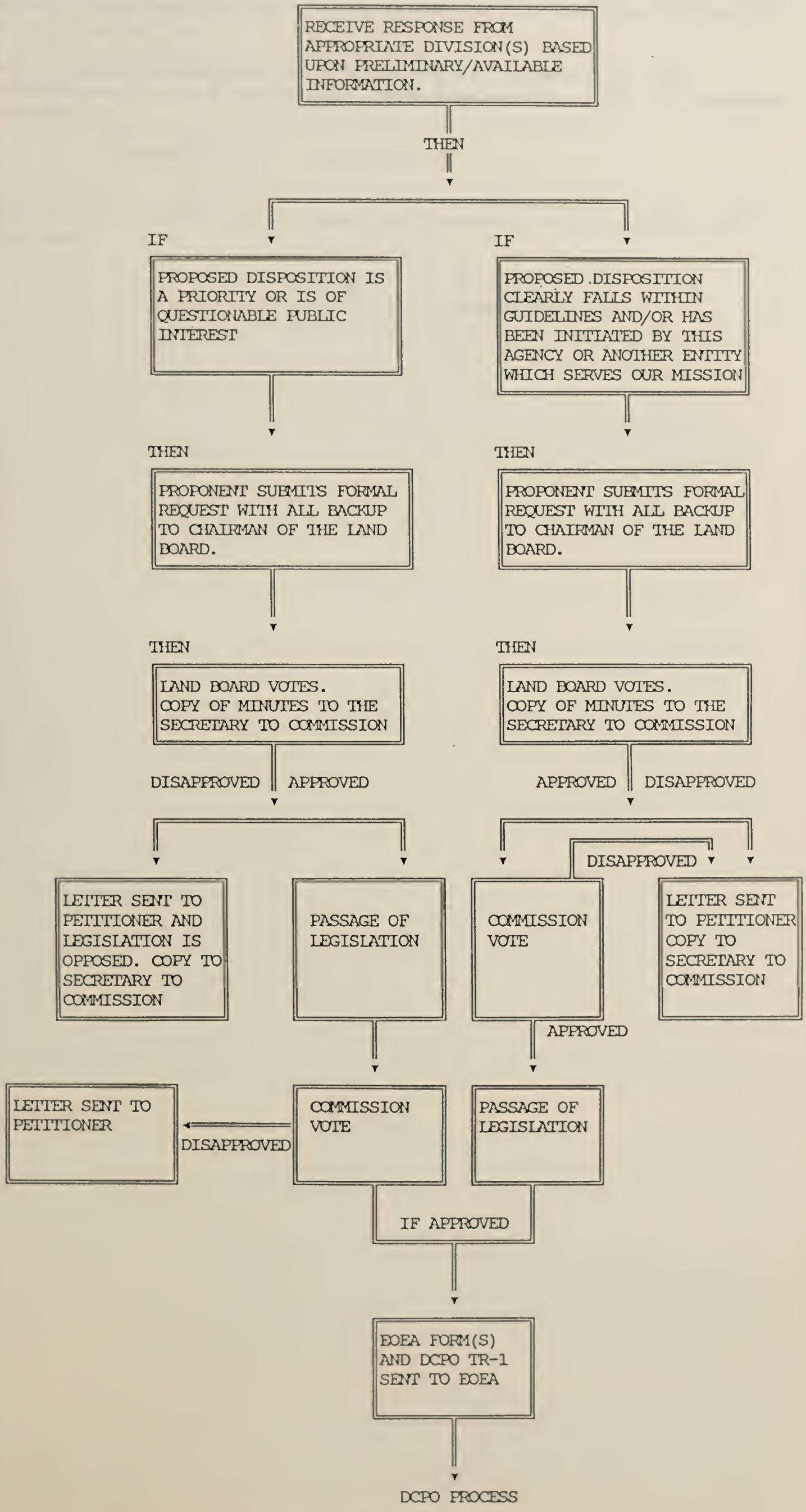
SEND COPY OF AGENCY AND EOEA DISPOSITION POLICIES AND PROCEDURES WITH INITIAL AGENCY RESPONSE TO PROPONENT.

COPY APPROPRIATE DIVISION OR DIVISIONS FOR ADDITIONAL EVALUATIONS

GO ON TO PHASE II

PHASE II

TASK: EVALUATION
LEVEL: (1) DEPARTMENT OR AGENCY
(2) EOEA



The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from January 28, 1991 to February 4, 1990.

Expenditures $929,758.97

Adjourned at 11:30 a.m. to meet on Thursday, February 28, 1991 at 1:00 p.m.

William F. Crutchfield
Secretary

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.28,1991

Record of the Three Thousand Five Hundred and Fifty Ninth (3559th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, February 28, 1991 at 1:00 p.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on February 7, 1991, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. **RESOLUTION**

Resolved: That the Metropolitan District Commission, assembled in its Meeting held on February 28, 1991, does hereby express its deep and sincere appreciation to Wesley A. Kendall for his 35 years of faithful and productive service to the Metropolitan District Commission, and for the example he has set as a conscientious and dedicated public servant; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to him their cordial best wishes that the years of his retirement may be many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Mr. Kendall.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Mayhew, February 1, recommending the following on Contract No. P91-1595-C1A, with James G. Grant Co., Inc., for Demolition of Structures and Trash Removal at 98 Taylor Street, Dorchester (former Shaffer Paper Site).
(a) That work be accepted as completed as of December 27, 1990.
(b) That Estimate No. 1 (Final), in the amount of $203,984.00, be approved for payment.
(c) That reserve, in the amount of $10,736.00, be approved for payment.
(Basis of Award - $219,000.00)
(Total to Date - $214,720.00)
(Contract Administration Rating - 4.14)
(EEO Compliance - 3.80)
The Commission V O T E D: that the work of James G. Grant Co., Inc., Contractor under Contract No. P91-1595-C1A, for Demolition of Structures and Trash Removal at 98 Taylor Street, Dorchester (former Shaffer Paper Site), be and hereby is accepted as completed as of December 27, 1990.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $203,984.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $10,736.00, for payment.

3. Report of Messrs. Faucher and Kirwin, February 19, recommending approval of an extension of time from February 28 to March 31, 1991, on Contract No. P89-1550-M2A, with Tri-State Signal, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts.
(At no additional Contract cost).
The Commission V O T E D: to approve an extension of time, from February 28, 1991 to March 31, 1991, as recommended by Messrs. Faucher and Kirwin in their report of February 19, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher an Kirwin, February 19, recommending approval of an extension of time from February 28 to March 31, 1991, on Contract No. P89-1550-M1A, with New England Traffic Signals, Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts.
(At no additional Contract cost).

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The Commission V O T E D: to approve an extension of time, from February 28, 1991 to March 31, 1991, as recommended by Messrs. Faucher and Kirwin in their report of February 19, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Lespasio, February 19, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P87-1425-C4A, Repairing/Replacing Bituminous and Cement Concrete Sidewalks throughout the Metropolitan District. Estimated Cost $500,000.00. Account No. 2490-0009.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher, Brooks and DeLuca, February 12, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1610-M1A, Servicing Filtration and Sterilization Systems for Swimming Pools within the Metropolitan Parks System. Estimated Cost $350,000.00. Account No. 2440-0010-12.
Associate Commissioner Scandrett noted that there is the possibility that funding could be reduced or not available for this project, prior to commencement of the contract, due to fiscal constraints.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Machado, February 21, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P87-1466-C2A, Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan Parks System. Estimated Cost $750,000.00. Account No. 2490-0009.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

4. Report of Messrs. Faucher and Abounaja, February 4, recommending approval of Extra Work Order No. 1, in an amount not to exceed $6,000.00, for rodent control, on Contract No. P89-1556-C1A, with John Mahoney Construction Co., for Old Harbor Park, Dorchester Shores Reservation.
(Funds available in Account No. 2440-8885).
The Commission V O T E D: to approve Extra Work Order No. 1, in an amount not to exceed $6,000.00, as recommended by Messrs. Faucher and Abounaja in their report of February 4, 1991.

5. Report of Messrs. Faucher and Chan, February 20, on bids for Furnishing and Installing New Storage Tanks, Pumps & Automated Fuel Management Equipment at Various MDC Locations, Contract No. P90-1574-C1A. Account No. 2490-8881.
(Messrs. Faucher and Chan recommend acceptance of the lowest bid received, that of Seaman Bratko Corp., of $876,453.00).
The Commission V O T E D: Held Over.

6. Report of Messrs. Faucher and Carrigan, February 21, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P84-1315-C7A, Resurfacing of MDC Parkways at Various Locations in the Greater Metropolitan Boston Area. Estimated Cost $1,750,000.00, for the 1991/1992 construction season.
Account No. 2490-0009.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Watershed Management Division:

7. Report of Messrs. McGinn and O'Connor, February 14, on proposals for the purchase of forest products located on the Quabbin and Wachusett Reservoir Watersheds.
The Commission V O T E D: to accept the qualified bid, that of

Prevost Forest Products, of $2,470.66; to purchase approximately 48,235 board feet of sawlogs on Roadside Sale No. 36 - Quabbin Reservoir Watershed; Prevost Forest Products will also purchase and deliver to the New Salem Forestry Office, parts for the Fortec Feller-Buncher and oil for forestry machinery (see attached sheet), valued at $1,334.97, which is considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the only qualified bid, that of Prevost Forest Products, of $78.55; to purchase approximately 31,025 board feet of sawlogs on Roadside Sale No. 37 - Quabbin Reservoir Watershed; Prevost Forest Products will also purchase and deliver to the New Salem Forestry Office, one Pioneer cover for the 8 yd. dump truck, valued at $834.00 and three Husqvarna chain saws complete and assembled with 20" roller tip bar, valued at $1,299.00, which is considered partial payment for the sawlogs.
The Commission further V O T E D: to accept the highest qualified bid, that of Curtis Lumber; the volume taken from this lot will be determined by the scale slips that are turned in by Curtis Lumber; $7.75 per ton for pulp, $72.00 per thousand board feet of red & white pine sawlogs, $36.00 per cord for hardwood.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Report of Messrs. Rodrigues and Tilas, February 22, submitting for approval project justification and scope of services and requesting permission to advertise Project No. P88-1516-M4A, Operation and Maintenance of Light and Sound System E. A. Hatch Memorial Shell. Estimated Cost - $25,000.00. Time for Performance June 1, 1991 through October 31, 1991.
Account No. FY91 - 2440-0010-12 - $ 1,500.00.
Account No. FY92 - 2440-0010-12 - $23,500.00.
Associate Commissioner Scandrett noted that there is the possibility that funding could be reduced or not available for this project, prior to commencement of the contract, due to fiscal constraints.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to Advertise.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, February 11, on behalf of the Consultant Selection Committee, recommending selection of GZA GeoEnvironmental, Inc., for Emergency Action Plan Quabbin Reservoir, Ware/Belchertown. Contract No. WM91-001-S1A. Cost Plus Fixed Fee Basis, not to exceed $300,000.00. Time for Performance is estimated at 12 months. Account No. 2420-8881.
The Commission V O T E D: Held Over.

3. Report of the Concession Selection Committee, February 22, recommending award of a Concession Permit for food and gifts at the Franklin Park Zoo, Dorchester to Family Affair Catering, Inc., for a one year period, commencing upon execution of a formal written Agreement.
Mr. Jewett outlined the process used by the Concession Selection Committee which led to the recommendation that Family Affair Catering be awarded the concession permit.
Associate Commissioner Jones questioned the section of Family Affairs proposal which calls for offering discounts on food items purchased by MDC Zoo employees and gift and food items bought by members of the Boston Zoological Society.
Mr. Jewett stated that these discounts were not solicited by the Concession Selection Committee, but were a consideration offered by Family Affair in their proposal.
Dr. Goldstein then noted that many institutions including the Aquarium, Museum of Science, etc., offer discounts to their members as an encouragement for membership.
Associate Commissioner Whelan pointed out that the aforementioned institutions are privately operated and not financed by the State.
The Commission, as a body, stated that they would not be in favor of the proposed food discount for MDC Zoo employees.

At this point, Associate Commissioner Jones asked that Legal Counsel review the Concession Permit, prior to submittal for Commission execution, to insure that Commission legal interests are protected.

Following a lengthy discussion, the Commission V O T E D: to award the Concession Permit to Family Catering, Inc., with the understanding that Legal Counsel, the Zoo Director and the Contracting Officer insure that discounts offered to members of the Boston Zoological Society are proper and if so, appropriate language be incorporated into the permit noting that the discount is available only to BZS members and not MDC Zoo employees.

In addition, noting prior problems, the Commission directed that the concessionaire not be permitted to operate at the Franklin Park Zoo until such time as the Permit is executed by the Commission.

Associate Commissioner Scandrett, noting that he is a member of the Concession Selection Committee, abstained from voting on this matter.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from February 4, 1991 to February 11, 1991.

   Expenditures $368,797.19

2. The following schedules were approved for payment by the Commissioner during the period from February 11, 1991 to February 18, 1991.

   Expenditures $1,078,825.26

Adjourned at 2:35 p.m. to meet on Thursday, March 7, 1991 at 10:00 a.m.

William F. Cusack
Secretary

Record of the Three Thousand Five Hundred and Sixtieth (3560th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 7, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract-Agreement, dated March 7, 1991, with Massachusetts General Hospital, for evaluating employees at risk for occupational exposure to asbestos.

2. Permit, dated March 7, 1991, with Charles River Recreation, Inc., for operation of the Weston Ski Touring Center, at the Leo J. Martin Golf Course, for the period from December 3, 1990 through March 24, 1991.

3. Contract-Agreement, dated March 7, 1991, with Pioneer Valley Rubbish and Waste Disposal, Inc., d/b/a/ Wood Enterprises, for Rubbish Removal at Quabbin and Wachusett Sections.

4. Contract-Agreement, dated March 7, 1991, with Sons of Kristoff, for Rubbish Removal at Quabbin and Wachusett Sections.

5. Contract-Agreement with Fred, dated March 7, 1991, J. Fijal, for Rubbish Removal at Quabbin and Wachusett Sections.

6. Contract-Agreement, dated March 7, 1991, with Childs Engineering, for Design Services - Harborpoint Park.

7. Contract-Agreement, dated March 7, 1991, with Asaf A. Quazilbash & Associates, for Engineering Services - Harborpoint Park.

8. Contract No. P90-1577-C6A, dated March 7, 1991, with Fairbanks Morse Companies, Engine Division, for Emergency Repair of Number (1) Engine Turbocharger, Charles River Dam Pump House, Charlestown.

Action was taken upon the following matters relating to the Engineering and Construction Division:

9. Report of Messrs. Faucher and Chan, February 20, on bids for Furnishing and Installing New Storage Tanks, Pumps & Automated Fuel Management Equipment at Various MDC Locations, Contract No. P90-1574-C1A. Account No. 2490-8881.
(Messrs. Faucher and Chan recommend acceptance of the lowest bid received, that of Seaman Bratko Corp., of $876,453.00).
The Commission V O T E D: to accept the lowest bid received, that of Seaman Bratko Corp., of $876,453.00.

10. Report of Messrs. Faucher and Mayhew, February 25, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1606-CIA, Dorothy Quincy Homestead, Roofing and Gutter Repairs, Quincy, Massachusetts Estimated Cost $85,000.00. Account No. 2440-8885.
The Commission V O T E D: Approved.

11. Report of Messrs. Faucher and Lenhardt, February 22, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1611-CIA, Girder Repair to Craigie Drawbridge, Boston, Massachusetts. Estimated Cost $5,000.00. Account No. 2490-0009.
The Commission V O T E D: Approved.

12. Report of Messrs. Faucher and Abounaja, February 26, recommending approval of the request of John Mahoney Construction Company, General Contractor on Contract No. P89-1556-CIA, Old Harbor Park, Dorchester Shores Reservation, to engage the services of

DeAngelis Iron Works to furnish and install miscellaneous metals, as follows:

Item No. 007-030	Galvanized Bar Screen (B.W.S.C. Item)	$ 1,000.00
Item No. 017-010	Metal Picket Fence at Main Entrance	$ 4,620.00
Item No. 017-020	Metal M.D.C. Embankment Rail Fence	$62,700.00
Item No. 017-030	Metal Handrails at Viewing Terrace Ramp	$ 2,530.00
Item No. 017-040	Metal Safety Rail at Viewing Terrace and Outfall Wall	$ 5,035.00
Item No. 017-050	Metal Handrail at Viewing Steps	$ 1,517.25
Item No. 017-060	Small Metal Trash Receptacle	$22,950.00
Item No. 017-070	Large Metal Trash Receptacle (furnish only)	$ 1,200.00
Item No. 017-080	Metal Removable Bollard (furnish only)	$ 1,800.00
Item No. 027-010	Viewing Shelters	$67,648.00
Item No. 027-020	Shade Structure	$15,000.00
Item No. 027-030	Father's Rest Pavilion	$74,000.00
	AT A TOTAL COST OF:	$260,000.25

The Commission V O T E D: Approved as recommended by Messrs. Faucher and Abounaja in their report of February 26, 1991.

1. Report of Mr. Faucher and Ms. Peterson, February 25, recommending approval of an increase in the upset limit from $206,000.00 to $212,655.20 on Contract No. P82-1054-D1C, with Edwards & Kelcey, Inc., for Upgrading and Rehabilitation of M.D.C. Charles Circle Bridges #57A and #57B. Account No. 2420-0009.
The Commission V O T E D: Approved as recommended by Mr. Faucher and Ms. Peterson in their report of February 25, 1991.

2. Report of Mr. Faucher and Ms. Graves-Jones, February 7, recommending the following on Contract No. P88-1540-M1A, with Markings, Inc., for Installation of Reflectorized Pavement Markings Various Locations of the M.D.C.
(a) That work be accepted as completed as of December 12, 1990.
(b) That Estimate No. 14 (Final), in the amount of $5,612.37, be approved for payment.
(c) That reserve, in the amount of $1,661.80, be approved for payment.
(Basis of Award - $372,670.00)
(Total to Date - $254,844.64)
(Contract Administration Rating - 3.57)
(EEO Compliance - 4.00)
The Commission V O T E D: that work be accepted as completed as of December 12, 1990.
The Commission further V O T E D: to approve Estimate No. 14 (Final), in the amount of $5,612.37, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,661.80, for payment.

3. Report of Messrs. Faucher and Brooks, February 8, recommending approval of Extra Work Order No. 1, in the amount of $21,463.86, for removal and disposal of existing railroad ties and tracks from the worksite and Extra Work Order No. 2, in the amount of $22,235.50, for additional landscaping and removal of railroad tracks and ties, on Contract No. P85-1342-CIA, with C. J. Mabardy, Inc., for Constructionof Riverwalk Park, Waltham. (Funds available in Account No. 2449-7350).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $21,463.86.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $22,235.50.

4. Report of Messrs. Faucher and O'Connor, March 1, recommending that the Commission approve the assignment of design Contract No. P85-1341-D1A, Reconstruction/Rehabilitation of Lynn Shore Drive and Nahant Beach Reservation including the Roadway, from Schoenfeld Associates, Inc. to Andrew Christo Engineers, Corp. (At no increase in the current fee).
The Commission V O T E D: to approve the assignment of design Contract No. P85-1341-D1A, Reconstruction/Rehabilitation of Lynn Shore Drive and Nahant Beach Reservation including the Roadway,

from Schoenfeld Associates, Inc. to Andrew Christo Engineers, Corp.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Report of Messrs. Rodrigues and Tilas, February 22, recommending approval of an Agreement between the Commission and Charles River Recreation, Inc., to operate the Charles River Canoe and Kayak Center (a boat rental service and snack bar), at 2401 Commonwealth Avenue, Newton, for the period April 1, 1991 through December 31, 1993.
Associate Commissioner Whelan expressed his concern with the length of the permit stating that it precludes others from bidding on the service for a three year period.
Mr. Jewett pointed out that, in the past, the permit has been for a three year term.
Associate Commissioner O'Malley spoke of the excellent service provided by Charles River Recreation and noted that she would be in favor of a three year renewal.
Associate Commissioner Whelan once again expressed his concern with the length of the permit and asked that an annual review be conducted on the Charles River Recreation, Inc. (CRRI) performance if the permit is renewed for a three year term.
Associate Commissioner Jones then asked that Paragraph 6 of the proposed Agreement be modified to read as follows:
> 'The CRRI may change the fees listed on attachment #1 and shall not increase said fees without <u>prior</u> written approval of the Commission'.

Associate Commissioner Jones asked that Captain David Walsh of the MDC Police Marine Division review the proposed hours of operation as outlined in Paragraph 5 of the Agreement to ensure that public safety will not be compromised.
The Commission V O T E D: Approval contingent on review and approval of Paragraph 5 of the Agreement by Captain Walsh.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, February 11, on behalf of the Consultant Selection Committee, recommending selection of GZA GeoEnvironmental, Inc., for Emergency Action Plan Quabbin Reservoir, Ware/Belchertown. Contract No. WM91-001-S1A. Cost Plus Fixed Fee Basis, not to exceed $300,000.00. Time for Performance is estimated at 12 months. Account No. 2420-8881.
Associate Commissioner Jones requested that Mr. Jewett provide, for Commission files, a copy of the Minutes of the Consultant Selection Committee at which time GZA GeoEnvironmental, Inc. was selected for recommendation to the Commission. He then asked Mr. Jewett to include Minutes of the Consultant Selection Committee with all future recommendations.
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of February 11, 1991.

3. Report of Mr. Jewett, February 28, recommending approval and execution of Contract-Agreements for Professional Real Estate Appraisal Services and Professional Title Examination Services on Project No. P82-0A02, Town Brook Flood Control, as follows:
<u>Appraisal Services</u>
Leo M. Flynn - Value $15,150.00 - for 13 Parcels
Peter S. Emerson & Associates - Value $15,000.00 - for 15 Parcels
<u>Title Examiner Services</u>
Marsh, Moriarty, Ontell & Dacey, P.C. - Value $1,530.00 - for 7 Parcels
Peter E. Flynn - Value $2,015.00 - for 8 Parcels
Account No. 2440-8840, completion date no later than June 30, 1991.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreements, dated March 7, 1991, with Leo M. Flynn, Peter S. Emerson & Associates, Marsh, Moriarty, Ontell & Dacey, and Peter E. Flynn, which were signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, February 28, requesting approval of an extension of time from June 1, 1991 to June 30, 1991 and an increase in compensation as follows on Contract Agreements with -

Daniel Driscoll	from $41,496.00	to $44,906.00
Karl T. Haglund	from $41,496.00	to $44,906.00
John S. O. Krajovic	from $41,496.00	to $44,906.00
David T. Queeley	from $36,972.00	to $39,782.00,

for Planning Services Pursuant to Land Acquisition and Master Planning.
(Funding from Account No. 2441-9886).
On questioning by the Commission, Mrs. O'Brien outlined the rationale used in recommending extensions of the Contracts. She explained that these Contracts were originally approved by the Commission for the period from May 31, 1990 to May 31, 1991. This period, she explained, had been the contract period that was established based on the initial start-of-work date in their first Contract.
Mrs. O'Brien then explained that while last year's Contract was underway, the Commission Financial Office and Executive Office of Administration and Finance informed the Planning Office that a period co-terminous with the fiscal year was preferable, primarily for bookkeeping purposes related to "rolling over" funds from one fiscal year to the next. Rather than redo the paperwork that was in process, she stated, it was agreed that a one-month extension would be requested on the service Contract spending plan and an extension request would be submitted to the Commission at a later date. The spending plan approval was received on June 21, 1990, she noted. If the Commission approves the extension of time, she explained, the Contracts will be in conformance with the fiscal year cycle.
Associate Commissioner Whelan questioned if the money used to fund these Contracts could be utilized to save jobs of regular employees who are facing possible layoffs. Mrs. O'Brien stated that funding is from the Open Space Bond Issue and, therefore, cannot be used to pay the salaries of regular employees.
At this point, Associate Commissioner Jones made a motion, which was seconded and approved, that Mrs. O'Brien prepare and file with the Commission a written statement on the rationale utilized in recommending the extension of time on the four Contracts.
The Commission V O T E D: to approve the extensions as requested by Mrs. O'Brien in her report of February 28, 1991. However, the extensions will not be effective until such time as the rationale statement is received by the Commission Secretary.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from February 18, 1991 to February 25, 1991.

Expenditures $1,237,915.50

Adjourned at 12:50 p.m. to meet on Thursday, March 14, 1991 at 10:00 a.m.

William F. Crosby
Secretary

Record of the Three Thousand Five Hundred and Sixty First (3561st) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 14, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meetings held on February 14, 1991 and February 28, 1991, were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

Contract-Agreement, dated March 14, 1991, with H. W. Moore Associates, for Engineering Services for Old Harbor Park.

The Secretary then submitted for signature the following paper:

Permit-Agreement with Family Affair Catering, Inc., for food service and gift shop concessions at the Franklin Park Zoo, Boston. The Commission V O T E D: Held Over.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Mayhew, March 6, recommending approval of a revision in quantities on Item No. 12 - Furnish and Set New Rip-Rap, at an increase in cost of $86,250.00, on Contract No. P91-1594-CIA, with Ernest Minelli, Inc., for Slope Protection Repairs, Pleasure Bay Causeway and Castle Island Park, South Boston.
(Funding from Account No. 2448-0000).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Mayhew in their report of March 6, 1991.

2. Report of Messrs. Faucher and O'Connor, March 11, recommending approval of funding in the sum of $20,104.43, for additional work on Contract No. P84-1276-C3A, with John Mahoney Construction Company, Inc., for Bridge Deck Replacement of the General Leroy Sweetser Bridges, Everett, Massachusetts.
(Funds are available in Account No. 2490-8881).
Associate Commissioner Whelan questioned the status of the Commission's claims against the Consultant's errors and omissions insurance for both this and the Neponset River Bridge project.
Mr. Jewett stated that all information concerning these claims is being compiled for presentation to the insurance company.
At this point, Mr. Lespasio noted that quantities for the Neponset River Bridge contract have been found to be significantly lower than the engineer's estimate and the underruns could be in excess of $700,000.00.
The Commission expressed concerns regarding the underruns and asked that this information be available to the Contract Administrator for review when Consultant selections are being evaluated.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Abounaja, March 6, recommending approval of the request of John Mahoney Construction Company, Inc., that the Commission amend its vote of February 14, 1991 approving Ernest Minelli, Inc., as sub-contractor for slope revetment construction on Contract No. P89-1556-CIA, Old Harbor Park, at a cost of $1,397,000.00, by reducing scope of work to labor only at a cost of $571,350.00, including $168,450.00 for additional labor services on the work which was not included in the previous vote.
Messrs. Faucher and Abounaja further recommend approval of the request of the John Mahoney Construction Company, Inc., to engage the services of Hub Foundation Company, Inc., as sub-contractor for pile driving work at Old Harbor Park, at a cost of $120,000.00.
The Commission V O T E D: to amend its vote of February 14, 1991 approving Ernest Minelli, Inc., as sub-contractor for slope revetment construction on Contract No. P89-1556-CIA, Old Harbor

Park, at a cost of $1,397,000.00, by reducing scope of work to labor only at a cost of $571,350.00, including $168,450.00 for additional labor services on the work which was not included in the vote.
The Commission further V O T E D: to engage the services of Hub Foundation Company, Inc., as sub-contractor for pile driving work at Old Harbor Park, at a cost of $120,000.00.

1. Report of Messrs. Faucher and Brooks, March 7, recommending approval of revisions in quantities on the following:

Item No. 021-010-	Start-up of Refrigeration Equipment	$ 2,808.00
Item No. 023-010-	Providing Maintenance Service	$17,318.90
Item No. 025-010-	Materials and Parts	$ 6,430.00

at a total increase of $26,557.15, on Contract No. P88-1523-M1A, with Lewis Refrigeration Corporation, for Servicing of Refrigeration Systems at Ice Skating Rinks.
(At no additional Contract cost as the revisions will be offset by unused quantities in other items).
Associate Commissioners Jones and Whelan questioned the reason for shutting down the refrigeration systems, which were in operation, and restarting them at the beginning of the skating season. Commissioner Bhatti stated that budget problems, which were later modified, dictated this action.
Mr. Brooks was then asked to provide the Secretary with a written statement further defining the increase in estimated quantities for Item No. 021-010 - Starting Up and Placing Refrigeration Equipment Into-Operation, for the Commission files.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Brooks in their report of March 7, 1991.

2. Report of Messrs. Faucher and Lenhardt, March 8, recommending approval of the request of The Modern Continental Construction Company, Inc., General Contractor on Contract No. P84-1276-C7A, Repairs to Monsignor William J. Casey Overpass to substitute George Campbell Painting Company, for Rockblast Steel Maintenance, Inc., as subcontractor for Item No. 006-010-Clean and Paint Fascia Girder - $34,700.00.
(Rockblast Steel Maintenance, Inc. was approved as sub-contractor at the Commission Meeting of December 13, 1990. However, due to schedule conflict, Rockblast is unable to perform work).
The Commission V O T E D: Approval to substitute George Campbell Painting Company, for Rockblast Steel Maintenance, Inc., as subcontractor for Item No. 006-010 - Clean and Paint Fascia Girder - $34,700.00, on Contract No. P84-1276-C7A, Repairs to Monsignor William J. Casey Overpass.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

3. Report of Mr. Rodrigues, March 8, recommending an extension of the ice skating season at certain rinks, as follows:

Cronin Rink, Revere	from March 16 through March 30, 1991
Allied Veterans Rink, Everett	from March 16 through March 23, 1991
LoConte Rink, Medford	from March 16 through March 23, 1991
Bajko Rink, Hyde Park	from March 16 through March 24, 1991
Veterans Memorial Rink, Somerville	from March 16 through March 30, 1991
Simoni Rink, Cambridge	from March 16 through March 24, 1991.

Mr. Rodrigues explained that the youth hockey groups utilizing the aforementioned rinks have requested the extension and agreed to pre-pay for the minimum 50 hours of time. He then stated that an additional benefit derived from the extension will be the monitoring of energy use which will track energy retrofitting of the 17 rinks. Massachusetts Electric, Boston Edison and Commonwealth Electric must monitor several rinks to justify their expense in retrofitting the facilities, he explained. Mr.

Rodrigues then noted this energy management program will finance new lighting, motors and low emissivity ceilings with projected operational savings between $300,000.00 and $500,000.00.
Associate Commissioner Whelan questioned why youth hockey groups who use other rinks have not applied for an extended season. Mr. Rodrigues stated that word was out that the extensions were under consideration. However, he noted, no other groups signified an interest in extending the season at the rinks they utilize.
Mr. Rodrigues then stated that he would check with the other Youth Hockey groups to insure that they do not have an interest in an extended season.
Associate Commissioner Jones then spoke of past problems experienced by the Commission with regards to openings and closing of the rinks and asked Mr. Rodrigues to insure that all hockey groups are offered equal opportunity for additional ice time.
At this point, noting time constraints, Associate Commissioner Scandrett spoke of the possibility of allowing Commissioner Bhatti to make the final decision of which rinks will be allowed to remain open, past the scheduled closing date.
Associate Commissioner Whelan stated that he would support Associate Commissioner Scandrett's suggestion if payment for ice time is made in a timely manner.
Associate Commissioner Jones stated that he would also support Associate Commissioner Scandrett's suggestion if written documentation is obtained from the various hockey groups that they agree to all terms and conditions which will be outlined in the extension permit. In any event, he stated, he would not support the payment of overtime for MDC employees by either the Agency or the youth hockey groups.
The Commission V O T E D: to amend Mr. Rodrigues memo of March 8, which recommended an extension of time at the Cronin Rink, Revere; Allied Veterans Rink, Everett; LoConte Rink, Medford; Bajko Rink, Hyde Park; Veterans Rink, Somerville and the Simoni Rink, Cambridge - by authorizing Commissioner Bhatti to keep any Commission ice skating rink open until March 30, 1991 if necessary ice time has been purchased by youth hockey groups and all regulations and guidelines are in full compliance.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, March 5, on behalf of the Consultant Selection Committee, recommending selection of Aquatec of Massachusetts, for Water Quality Testing at MDC Recreational Waters, Contract No. P87-1449-M3A. At a cost not-to-exceed $30,000.00. Time for Performance July 1, 1991 ending on June 30, 1992. Account No. 2440-0010 - subject to appropriation.
The Commission V O T E D: Approved.

2. Report of Mrs. Lam, March 7, requesting approval of an extension of time from May 1, 1991 through June 30, 1991 and an increase in the not-to-exceed compensation from $32,324.00 to $37,628.00 on Contract-Agreement with Janice S. Parlon, as M.D.C. Liaison coordinating the East Boston Pier Project and Community Liaison for the 16 Cities and Towns of the Mystic District.
(Funding from Account No. 2440-8873).
The Commission V O T E D: Approved.

The following matter was placed on the agenda for the information of the Commission:

The following schedules were approved for payment by the Commissioner during the period from February 25, 1991 to March 4, 1991.

Expenditures $1,036,855.14

Adjourned at 12:15 p.m. to meet on Thursday, March 28, 1991 at 10:00 a.m.

William F. Ahearn
Secretary

Record of the Three Thousand Five Hundred and Sixty Second (3562nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, March 28, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

The Records of the Commission Meeting held on March 7, 1991, were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Permit-Agreement, dated March 28, 1991, with Family Affair Catering, Inc., for food service and gift shop concessions at the Franklin Park Zoo, Boston.

2. Agreement, dated March 28, 1991, with Charles River Recreation, Inc., to operate the Charles River Canoe and Kayak Center (a boat rental service and snack bar), at 2401 Commonwealth Avenue, Newton, for the period from April 1, 1991 through December 31, 1993.

3. Amendment, dated March 28, 1991, to Contract-Agreement with Janice S. Parlon, as MDC Liaison coordinating the East Boston Pier Project and Community Liaison for the 16 Cities and Towns of the Mystic District.

4. Amendments, dated March 28, 1991, to Contract-Agreements with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning.

5. Contract No. P90-1574-C1A, dated March 28, 1991, with Seaman Bratko Corp., for Furnishing and Installing New Storage Tanks, Pumps and Automated Fuel Management Equipment at Various MDC Locations.

6. Contract No. P91-1609-M1A, dated March 28, 1991, with New England Traffic Signals, Inc., for Servicing Traffic Signal and Control Systems, Blue Hills and Old Colony Districts.

7. Contract No. P91-1608-M1A, dated March 28, 1991, with New England Traffic Signals, Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts.

Action was taken upon the following matters relating to the Engineering and Construction Division:

8. Report of Messrs. Faucher and Arinella, February 25, recommending the following on Contract No. P90-1577-C7A, with Raccuia Brothers, Inc., for Replacement of 100 Gallon Commercial Water Heater, Charles River Dam, Charlestown -
(a) That work be accepted as completed as of February 25, 1991.
(b) That Estimate No. 1 (Final), in the amount of $3,324.05, be approved for payment.
(c) That reserve, in the amount of $174.95, be approved for payment.
(Basis of Award - $3,499.00)
(Total to Date - $3,499.00)
(Contract Administration Rating - 4.14)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Raccuia Brothers, Inc., Contractor under Contract No. P90-1577-C7A, for Replacement of 100 Gallon Commercial Water Heater, Charles River Dam, Charlestown, be and hereby is accepted as completed as of February 25, 1991.
The Commission further V O T E D: to Estimate No. 1 (Final), in the amount of $3,324.05, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $174.95, for payment.

9. Report of Messrs. Faucher and Lenhardt, February 1, recommending

approval of Extra Work Order No. 6, in the amount of $41,974.82, for Removal and Disposal of Asbestos, on Contract No. P84-1276-C7A, with The Modern Continental Construction Company, Inc., for Repairs to Monsignor William J. Casey Overpass, Boston.
(Funds available in Account No. 2490-8881).
The Commission V O T E D: to approve Extra Work Order No. 6, in the amount of $41,974.82.

1. Report of Messrs. Faucher and Lespasio, March 11, recommending approval of Extra Work Order No. 2, in the amount of $44,129.02, for Replacement of Stair Treads and Landings at Charles Street Pedestrian Overpass, on Contract No. P87-1425-C3A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous/Cement Concrete Sidewalks Throughout Metropolitan District.
(Funds available in Account No. 2490-8881).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $44,129.02.

2. Report of Messrs. Faucher and Arinella, March 12, recommending approval of the request of the Contractor for an extension of time from December 21, 1990 to June 30, 1991, on Contract No. P90-1577-C5A, with R. Zoppo Co., Inc., for Repair or Replacement of Culvert Gate at the Charles River Locks, Charlestown, Massachusetts.
(At no additional Contract cost to the Commission).
Associate Commissioner Jones suggested that appropriate staff notify local boat clubs and boating editors of possible delays in entering and leaving the Charles River until the project has been completed.
The Commission V O T E D: to approve an extension of time from December 21, 1990 to June 30, 1991, as recommended by Messrs. Faucher and Arinella in their report of March 12, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Arinella, March 11, recommending approval of the request of the Contractor for an extension of time from January 23, 1991 to June 23, 1991, on Contract No. P90-1577-C3A, with R. Zoppo Co., Inc., for Repairs, Replacement and Calibration of Console, Engine and Level Gauges, MDC Locks, Dams and Pump Houses.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time, from January 23, 1991 to June 23, 1991, as recommended by Messrs. Faucher and Arinella in their report of March 11, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Lespasio, March 19, recommending approval of a revision in quantities on Item No. 020-010, Bituminous Concrete, at an increased cost of $23,625.00, on Contract No. P87-1425-C3A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous Cement Concrete Sidewalks Throughout the Metropolitan District.
(The cost of the revision will be offset by unused quantities in other items).
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher and Lespasio, March 19, recommending approval of a revision in quantities on Item No. 020-010, Bituminous Concrete, at an increased cost of $23,625.00, on Contract No. P87-1425-C3A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous Cement Concrete Sidewalks Throughout the Metropolitan District.
(The cost of the revision will be offset by unused quantities in other items).
The Commission V O T E D: Approved.

6. Report of Messrs. Faucher and Carrigan, March 20, recommending approval of a revision in quantities on Item No. 002-010, Cold

Planing, at an increase in cost of $6,000.00, on Contract No. P84-1315-C6A, with Trimount Bituminous Products Co., for Resurfacing Sections of Metropolitan District Commission Parkways Various Locations.
(Funding from Account No. 2490-8881).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and McCalla, March 11, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1614-M1A, Maintenance of Prime Power and Emergency Generators, FY92. Estimated cost $45,000.00. Account No. 2440-0010.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Terzian, March 20, recommending approval of Alterations 1 thru 17 - Modifications to the Drainage System, Appurtenances, and Related Work, at a total cost of $15,372.00, on Contract No. P82-0A04-C1A, with C. J. Mabardy, Inc., for United Waste Company Dam, Mother Brook, Dedham.
(At no additional Contract cost as the Alterations will be offset by unused quantities in another item).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Terzian in their report of March 20, 1990.

3. Report of Messrs. Faucher and Lespasio, March 27, recommending approval of an Amendment for an extension of time from March 31, 1991 to June 30, 1991, on Contract-Agreement No. P82-1047-D1F, with Howard Needles Tammen & Bergendoff, for Engineering Services for Reconstruction/Rehabilitation of the Lynnway and General Edwards Bridge.
(At no additional Contract cost to the Commission).
Associate Commissioner Jones noted that he had discussed this Contract in detail with Mr. Lespasio and it was decided that the requested extension might be on the conservative side. He then spoke of the complexity of the computerized system and suggested that the time for completion of the design Contract be extended to September 30, 1991.
On a motion by Associate Commissioner Jones, which was seconded, the Commission V O T E D: to approve an extension of time on this design Contract from March 31, 1991 to September 30, 1991, with no additional Contract cost to the Commission.

Action was taken upon the following matter relating to the Office of Landscape Architect:

4. Report of Mr. Jackson, March 8, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P89-1561-C3A, Cherry Tree Planting, Charles River Reservation. Estimated cost $13,000.00. Account No. 2448-0000.
Associate Commissioner Jones noting that a portion of the funds for the project will be coming from a private donation, questioned the source of the donation.
Mr. Jackson stated that the money is a portion of a memorial donation by the father of a college student who died in an automobile accident on Storrow Drive. He noted that the original donation provided for six benches which were installed on the banks of the Charles River, last fall. The donor has now requested permission to fund the planting of twelve cherry trees near the benches. Mr. Jackson stated that he plans to incorporate these trees into this contract.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.
At this point, on a motion by Associate Commissioner Jones, which was seconded, the Commission further V O T E D: to accept the donation of a bench to be installed adjacent to the Charles River at a location to be determined by Mr. Jackson.

Action was taken upon the following Various Matters:

5. Report of Mr. Jewett, March 19, on behalf of the Consultant Selection Committee recommending that the Commission vote to

award the following Contracts -
Contract No. WM91-001-L1A, Wachusett Reservoir Land Survey Services, to the firm of Greenman-Pederson Inc., for a not-to-exceed amount of $50,000.00, for a nine month duration from Contract execution.
Contract No. WM91-001-L2A, Wachusett Reservoir Land Survey Services, to the firm of Merrimack Engineering Services, Inc., for a not-to-exceed amount of $46,440.00, for a nine month duration from Contract execution.
Contract No. WM91-001-L3A, Wachusett Reservoir Land Survey Services, to the firm of Howe Surveying Associates, Inc., for a not-to-exceed amount of $44,985.00, for a nine month duration from Contract execution.
Contract No. WM91-001-L4A, Wachusett Reservoir Land Survey Services, to the firm of C. T. Male Associates, P.C., for a not-to-exceed amount of $50,000.00, for a nine month duration from Contract execution.
(Funds are available in Account Nos. 2420-1846 and 2420-9883).
At this point, John Gatti of the Massachusetts Organization of Scientists and Engineers (Unit 9) suggested that the Commission hire a permanent employee to perform the land survey services. Associate Commissioner Scandrett pointed out that the Commission has been endeavoring to hire a land surveyor for the past several years without success.
It was then pointed out that the land survey service must be completed by June 30, 1991.
The Commission V O T E D: to award the Contracts for Wachusett Reservoir, Ware River Watershed and Quabbin/Ware Watershed Land Survey Services, as recommended by Mr. Jewett in his report of March 19, 1991.

1. Report of Mr. Jewett, March 22, on behalf of the Consultant Selection Committee, recommending selection of STV/Seelye Stevenson Value & Knecht, Inc., for Professional Engineering Services for Bridges, Parkways and other Commission Facilities, Contract No. P84-1276-D3A - at a cost plus fixed fee basis, not to exceed $250,000.00. Time of Performance will be two years from Contract execution. Account No. 2490-0012.
The Commission V O T E D: Approved as recommended by Mr. Jewett in his report of March 22, 1991.

2. Report of Mr. Wright, March 15, submitting for award and execution Contract-Agreement with David M. Berg, Inc., for Engineering Services for Harborpoint Park.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated March 28, 1991, with David M. Berg, Inc., which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. Wright, March 26, submitting for award and execution Contract-Agreement with CWB Associates, Inc., for Engineering Services for Harborpoint Park.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated March 28, 1991, with CWB Associates, Inc., which was signed by the Commissioner and four Associate Commissioners.

4. Report of Mr. Wright, March 27, submitting for award and execution Contract-Agreement with Carol R. Johnson Associates, Inc., for Engineering Services for Harborpoint Park.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated March 28, 1991, with Carol R. Johnson Associates, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following matter relating to the Office of Planning:

5. Report of Mrs. O'Brien, March 22, requesting approval of Contract-Agreements with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows:
   1. Contract-Agreement with Daniel Driscoll - Total Upset Limit, including $400.00 in expenses, $41,496.00;

Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.

2. Contract-Agreement with Karl T. Haglund - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
3. Contract-Agreement with John S. O. Krajovic - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance July 1, 1991 thru June 30, 1992.
4. Contract-Agreement with David T. Queeley - Total Upset Limit, including $400.00 in expenses, $36,972.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.

The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Report of Mr. Rodrigues, March 11, submitting for approval 1991 Spring/Summer/Fall Schedules and Fees, as dictated by the Secretary of Administration and Finance, for Recreational Facilities in the MetroParks System.

Jane Connoly of the Division responded to a series of questions posed by the Commission concerning the schedules and fees for the 1991 Spring/Summer/ and Fall seasons.

Associate Commissioner Jones requested further clarification of the various items in Mr. Rodrigues's memo of March 11, 1991 concerning the 1991 Schedules and Fees and asked that this information be given to the Secretary in memo form within three weeks.

The Commission V O T E D: to approve the following Spring/ Summer/Fall Schedules and fees, as dictated by the Secretary of Administration, for Recreational Facilities of the Commission:

GOLF COURSES
April 14, 1991 - November 30, 1991

Fees	
Locker	- $ 35.00
Tournaments	- $ 35.00
League Registration (Reserved Tee-Off Time for Season)	- $ 50.00
Annual Memberships (Good for all Courses)	
7 Day - Adult	- $275.00
5 Day - Adult (Monday-Friday, Excludes Holidays)	- $225.00
5 Day - Senior Citizen-65 years of age and over	- $100.00
5 Day - Junior	
16 Years Old and Under	- $ 95.00
Summer (Monday-Friday, June 15-September 8)	- $ 70.00
Daily Greens Fees	
Saturdays, Sundays & Holidays	- $ 10.00
Monday-Friday	
Twilight	- $ 5.00
Adult	- $ 10.00
Junior - 16 Years Old and Under	- $ 5.00
Senior Citizen	- $ 4.00

BALLFIELDS
April 14, 1991 - October 19, 1991

Hours			
Lighted Fields	- 8:00 P.M.	-	11:00 P.M.
Non-Lighted Fields	- 8:00 A.M.	-	8:00 P.M.

Fees (Per 2-Hour Session)	
Lighted Fields	- $ 25.00*
Non-Lighted Fields	- $ 6.00*

*These fees shall be assessed on all groups using any type of athletic field (with the exception of stadia) except municipally sponsored and youth groups who shall pay 50% of the above fees.

Youth groups shall include, but not be limited to, Little League, Babe Ruth, CYO, Pop Warner, Junior High and High Schools.

STADIA (Dilboy, Hormel, Daly)

Rental, First 5 Hours	- $175.00
Each Additional Hour	- $ 30.00
1-Day Concession Permit	- $ 50.00

BEACHES
June 30, 1991 - September 2, 1991

POOLS
June 30, 1991 - September 2, 1991

Swim Instruction (11:00 A.M. - 12:00 Noon - Weekdays)

Public Swimming Hours

Monday-Friday	- 12:00 Noon-5:00 P.M.	All ages
Monday-Friday	- 5:00 P.M.-7:00 P.M.	Adult & Special Programs
Saturday & Sunday	- 10:00 A.M.-6:00 P.M.	

14 Years Old and Under	- $ .50
15 Years Old and Older	- $ 1.00

HATCH SHELL
July 2, 1991 - September 14, 1991

SAILING (HARRY McDONOUGH SAILING PROGRAM/PLEASURE BAY/SOUTH BOSTON)

June 30, 1991 - September 2, 1991
7 Days A Week - 10:00 A.M. - Sunset

MYSTIC RIVER/BLESSING OF THE BAY/SOMERVILLE
June 30, 1991 - September 2, 1991 - 10:00 A.M.-6:00 P.M.

PICNIC AREA PERMIT - $ 7.00.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, March 22, requesting renewal of the Contract-Agreement with Thomas J. Gray, for Right of Way Services Pursuant to Land Acquisition, Control and Disposition. Total Compensation not to exceed $39,770.00, which includes $500.00 in reimbursable expenses. Time for Performance will be from July 1, 1991 to June 30, 1992. Account Nos. 2420-9883 and 2440-8840. The Commission V O T E D: Held Over.

The following matters were placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from March 4, 1991 to March 11, 1991.

Expenditures $487,380.04

3. The following schedules were approved for payment by the Commissioner during the period from March 11, 1991 to March 18, 1991.

Expenditures $743,560.77

Adjourned at 1:05 p.m. to meet on Thursday, April 4, 1991 at 10:00 a.m.

William F. Burke
Secretary

Record of the Three Thousand Five Hundred and Sixty Third (3563rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 4, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, and Scandrett.

The Records of the Commission Meetings held on March 14, 1991 and March 28, 1991 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Lenhardt, March 26, recommending approval of revisions in quantities on Item No. 011-010 - Four Inch Reflectorized Line (painted), at an increase of $870.00, and Item No. 011-020 - Four Inch Reflectorized Line (thermoplastic), at a reduction of $1,890.00, on Contract No. P84-1276-C7A, with The Modern Continental Construction Co., Inc., for Repairs to Monsignor William J. Casey Overpass, Boston, Massachusetts. (The revisions will result in a net savings to the Commission of $1,020.00).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Lenhardt, March 25, recommending the following on Contract No. P90-1590-C1A, with T. Equipment Corp., for Remedial Repairs to Longfellow Bridge, Boston and Cambridge -
(a) That work be accepted as completed as of February 24, 1991.
(b) That Estimate No. 2 (Final), in the amount of $3,522.60, be approved for payment.
(c) That reserve, in the amount of $4,421.65, be approved for payment.
(Basis of Award - $99,050.00)
(Total to Date - $88,433.00)
(Contract Administration Rating - 5.00)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of T. Equipment Corp., Contractor under Contract No. P90-1590-C1A, for Remedial Repairs to Longfellow Bridge, Boston and Cambridge, be and hereby is accepted as completed as of February 24, 1991.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $3,522.60, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,421.65, for payment.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Messrs. McGinn and O'Connor, March 28, submitting for Commission approval season and fee schedule for the 1991 fishing season at Quabbin Reservoir.
The Commission V O T E D: to approve the following season and fee schedule for the 1991 fishing season at Quabbin Reservoir -

A. **FISHING SEASON DATES**

The season for boat and shore fishing will be as follows:

-Boat Launch Area #1 (Gate 8) will be opened on Saturday, April 13 and closed on Saturday, October 12;
-Boat Launch Area #2 (Gate 31) and Boat Launch Area #3 (Gate 43) will be opened on Saturday, April 20 and closed on Saturday, October 19;
-Shore Fishing at designated areas will be opened on Saturday, April 13 and closed on Saturday, October 19.

B. **DAYS OPEN**

Area 1 (Gate 8) and Area 3 (Gate 43) will be open seven days per week throughout the season. These areas will have boats and motors for rent.
Area 2 (Gate 31) will be closed Tuesdays and Wednesdays

each week. This area will have only boats for rent. These changes are due to reduced staffing in the Quabbin Section.

C. **OPENING HOURS**

-April 13-15: 5:30 AM (due to large crowds on first weekend)
-April 16 - September 1: 6:00 AM
-September 2 - October 19: 6:30 AM (due to shortened day length)

D. **CLOSING HOURS - BOATS OFF WATER**

-April 13 - May 5: 6:00 PM
-May 6 - September 1: 7:00 PM
-September 2 - October 19: 6:30 PM

E. **FEE SCHEDULES - RATES FOR RENTAL OF BOATS, OUTBOARD MOTORS, & SERVICES AT QUABBIN RESERVOIR EFFECTIVE APRIL 13, 1991:**

-PERSONS MUST BE 16 YEARS OR OLDER TO RENT A BOAT-

RENTALS	MINIMUM	MAXIMUM	DEPOSIT
BOAT	$ 2.00	$ 7.00	$ 7.00
MOTOR (w/3 gals. gas)	8.00	20.00	20.00
TOTAL	$10.00	$27.00	$27.00

The following hourly charges will be in effect:

HOUR	BOAT	MOTOR	TOTAL COST
1	$2.00	$ 8.00	$10.00
2	2.00	8.00	10.00
3	3.00	10.00	13.00
4	4.00	12.00	16.00
5	5.00	14.00	19.00
6	6.00	16.00	22.00
7	7.00	18.00	25.00
8	7.00	20.00	27.00

(After 15 minutes past the hour, the next hour charge will be in effect.)

-PERSONS 65 OR OLDER, MONDAY THRU FRIDAY (EXCEPT HOLIDAYS)-

RENTALS	MINIMUM	MAXIMUM	DEPOSIT
BOAT	$ .50	$ 2.50	$ 2.50
MOTOR (w/3 gals. gas)	3.00	7.50	7.50
TOTAL	$3.50	$10.00	$10.00

The following Hourly Charges will be in effect:

HOUR	BOAT	MOTOR	TOTAL COST
1	$ .50	$3.00	$ 3.50
2	1.00	3.00	4.00
3	1.00	4.00	5.00
4	2.00	4.00	6.00
5	2.50	4.50	7.00
6	2.50	5.50	8.00
7	2.50	6.50	9.00
8	2.50	7.50	10.00

(After 15 minutes past the hour, the next hour charge will be in effect.)

PRIVATE BOAT RAMP (per person) - $2.00
(65 or older) - 1.00

PARKING (per vehicle) - $4.00
(65 or older) - 2.00.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, March 22, requesting approval of Contract-Agreements with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows:
   1. Contract-Agreement with Daniel Driscoll - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
   2. Contract-Agreement with Karl T. Haglund - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
   3. Contract-Agreement with John S. O. Krajovic - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance July 1, 1991 thru June 30, 1992.
   4. Contract-Agreement with David T. Queeley - Total Upset Limit, including $400.00 in expenses, $36,972.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.

   The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Office of Real Property:

2. Report of Mrs. Anderson, March 22, requesting renewal of the Contract-Agreement with Thomas J. Gray, for Right of Way Services Pursuant to Land Acquisition, Control and Disposition. Total Compensation not to exceed $39,770.00, which includes $500.00 in reimbursable expenses. Time for Performance will be from July 1, 1991 to June 30, 1992. Accounts 2420-9883 and 2440-8840.
   The Commission V O T E D: Held Over.

The following matter was placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from March 18, 1991 to March 25, 1991.

   Expenditures $813,470.24

Adjourned at 11:30 a.m. to meet on Thursday, April 11, 1991 at 10:00 a.m.

William F. Rush
Secretary

Record of the Three Thousand Five Hundred and Sixty Fourth (3564th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 11, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, and Scandrett.

The Records of the Commission Meeting held on April 4, 1991 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P90-1574-C2A, dated April 11, 1991, with SM Construction Corp., for Precision Leak Detection Testing, Charles River Locks and Harbor Patrol, Charlestown.

2. Fifth Amendment, dated April 11, 1991, to Contract-Agreement No. P82-1047-D1F, with Howard Needles Tammen & Bergendoff, for Engineering Services for Reconstruction/Rehabilitation of the Lynnway and General Edwards Bridge.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Machado, April 3, recommending approval of the request of the Contractor for an extension of time from April 8, 1991 to November 30, 1991, on Contract No. P84-1276-C2B, with Sciaba Construction Corporation for Neponset River Bridge Rehabilitation.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time, from April 8, 1991 to November 30, 1991, as recommended by Messrs. Faucher and Machado in their report of April 3, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Mayhew, April 5, on bids for Roofing and Gutter Repairs, Dorothy Quincy Homestead, Quincy, Massachusetts, Contract No. P91-1606-C1A.
Account No. 2440-8885.
(Messrs. Faucher and Mayhew recommend acceptance of the lowest bid received, that of A. W. Paine Construction Corp., of $67,975.00).
The Commission V O T E D: to accept the lowest bid, that of A. W. Paine Construction Corp., of $67,975.00.

5. Report of Messrs. Faucher and Chan, March 29, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise, contingent upon approval of the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance, Project No. P90-1578-C3A, Critical Repairs to Refrigeration Systems at Various MDC Rink Facilities. Estimated Cost $400,000.00. Account No. 2440-7893.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance.

6. Report of Messrs. Faucher and Chan, March 29, submitting for approval Work Schedule, Project Summary and Justification and requesting permission to advertise, contingent upon approval of the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance, Project No. P90-1578-C2A, Repairs to Heating Systems at Various MDC Locations. Estimated Cost $400,000.00. Account No. 2440-7893.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs and the Executive Office of Administration and Finance.

7. Report of Messrs. Faucher and DeLuca, April 5, on bids for

Servicing Filtration and Sterilization Systems at Various Metropolitan District Commission Swimming Pools, FY91 and FY92, Contract No. P91-1610-M1A. Account No. 2440-0010-12).
(Messrs. Faucher and DeLuca recommend acceptance of the lowest bid received, that of Allied Weatherproofing Co., Inc., of $288,903.00).
The Commission V O T E D: to accept the lowest bid received, that of Allied Weatherproofing Co., Inc., of $288,903.00.

1. Report of Messrs. Faucher and Arinella, March 28, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1613-M1A, Service, Maintain and Repair Underwater Structures at Various Areas of Flood Control - Navigational Division of the MDC.
Estimated Cost - FY92 - $44,000.00 - Account No. 2440-0010-12.
FY93 - $44,000.00 - Account No. 2440-0010-12.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Messrs. Faucher and Arinella, March 28, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise Project No. P91-1612-M1A, Service, Maintain and Repair Hydraulic Power Systems at Locks, Dams, Draws and Other Areas of Flood Control-Navigational Division of the MDC. Estimated Cost -
FY92 - $47,000.00 - Account No. 2440-0010-12.
FY93 - $47,000.00 - Account No. 2440-0010-12.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

3. Report of Messrs. Faucher and Lenhardt, April 4, on bids for Girder Repair to the Craigie Drawbridge, Boston, Contract No. P91-1611-C1A. Account No. 2490-0009.
(Messrs. Faucher and Lenhardt recommend acceptance of the lowest bid received, that of Converse Construction Co., Inc., of $7,815.00).
The Commission V O T E D: to accept the lowest bid received, that of Converse Construction Co., Inc., of $7,815.00.

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and O'Connor, March 25, on proposals for the purchase of forest products located on the Quabbin, Ware River, Wachusett and Sudbury Watersheds.
The Commission V O T E D: to accept the highest qualified bid, that of Hutchinson & Son Logging, of $1,551.00; to purchase approximately 353 cords of firewood on Timber Sale No. 596 - Quabbin Reservoir Watershed; Hutchinson & Son Logging will also provide one 48"x20' culvert valued at $964.60, delivered to the New Salem Forestry Office, which is considered partial payment for the cordwood.
The Commission further V O T E D: to accept the highest qualified bid, that of Christopher Kleciak, of $640.00; to purchase approximately 40 cords of firewood on Timber Sale No. 597 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Wetherby Farm, of $3,954.00; to purchase approximately 20,500 board feet of sawlogs and 246 cords of firewood on Timber Sale No. 598 - Quabbin Reservoir Watershed; Wetherby Farm will also provide forty hours of trucking valued at $1600.00, to be performed at sites within Quabbin Reservoir as designated by the MDC Forester, which is considered partial payment for the sawlogs and cordwood.
The Commission further V O T E D: to accept the highest qualified bid, that of Hutchinson & Son Logging, of $941.50; to purchase approximately 20,230 board feet of sawlogs and 98 cords of firewood on Timber Sale No. 599 - Quabbin Reservoir Watershed; Hutchinson & Son Logging will also provide one 14' steel pipe gate valued at $700.00, delivered to the New Salem Forestry Office, which is considered partial payment for the sawlogs and cordwood.
At this point, Mr. O'Connor requested that the Commission reject

the highest bid received, that of Prevost Forest Products, of $4,224.59; to purchase approximately 40,143 board feet of sawlogs and 1,259 tons of pulp on Timber Sale No. 8 - Sudbury Reservoir Watershed, and to select Bosse Logging of Gardner, the second highest bidder, for the following reasons:

1. Due to larger equipment (including a slasher/processor), Prevost Forest Products would require a one acre cleared log landing whereas Bosse Logging would need a 1/4 acre landing. The landing will be within 300 feet of Parmenter Road and in clear view to motorists and the residents of a large condominium complex located directly across the road. With much public concern regarding clear cuts, a 1/4 acre landing is preferable.
2. Due to the equipment differences, Prevost Forest Products would require daily supervision. Due to staffing shortages, we would be unable to provide adequate supervision to maintain MDC standards on this lot. Bosse Logging, with smaller equipment, would require less supervision. MDC staff have worked with both firms and our evaluation of supervision time is based on this experience.
3. Prevost Forest Products plans to process materials on site with a slasher. Due to the proximity of a large condominium complex, we are concerned about the noise levels disturbing the people living there.

The Commission V O T E D: to reject the highest bid received, that of Prevost Forest Products, of $4,224.59; to purchase approximately 40,143 board feet of sawlogs and 1,259 tons of pulp on Timber Sale No. 8 - Sudbury Reservoir Watershed.
The Commission further V O T E D: to accept the second highest bid received, that of Bosse Logging, of $4,100.00; to purchase approximately 40,143 board feet of sawlogs and 1,259 tons of pulp on Timber Sale No. 8 - Sudbury Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Tim Kelley, of $4,028.00; to purchase approximately 23,269 board feet of sawlogs and 129 cords of firewood on Timber Sale No. 89 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Bosse Logging, of $580.00; to purchase approximately 12,023 board feet of sawlogs, 20 cords of firewood and 22 cords of pulp on Timber Sale No. 90 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to reject highest bid received, that of Sawyer's Trucking & Logging, of $331.00; to purchase approximately 30,650 board feet of sawlogs and 157 cords of firewood on Timber Sale No. 118AA - Ware River Watershed. Sawyer's Trucking & Logging did not include the "worksheet for figuring your bid amount" with their bid proposal which is a required document. The Commission further V O T E D: to reject the second bid, that of Jepson Brothers, of $220.00, because this is not a fair market value for this lot.
The Commission further V O T E D: to accept the only qualified bid, that of Forward Enterprise, of $1,528.70; to purchase approximately 76,435 board feet of sawlogs on Timber Sale No. 159A - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Red Logging, of $1,506.77; to purchase approximately 48,475 board feet of sawlogs and 739 tons of pulp on Timber Sale No. 175A - Ware River Watershed; Red Logging will also prune 357 white pine trees to 17', valued at $892.50; treat 3000 red pine stumps with borax powder, valued at $800.00, to be performed on the Ware River Watershed at sites designated by the MDC Forester, which is considered partial payment for the sawlogs and pulp.

1. Report of Messrs. McGinn and Kane, April 3, recommending the following on Contract-Agreement with GZA - Geo Environmental, Inc., for Emergency Field Inspection -
(a) That work be accepted as completed as of January 4, 1991.
(b) That Estimate No. 1 (Final), in the amount of $2,061.33, be approved for payment.
(Basis of Award - $2,100.00)
(Total to Date - $2,061.33)
The Commission V O T E D: that the work of GZA - Geo Environmental, Inc., Consultants for Emergency Field Inspection

Compensation not to exceed $32,324.00, which includes $500.00 for travel related expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-8873.
The Commission V O T E D: Held Over.

1. Report of Mr. Jewett, April 5, on behalf of the Consultant Selection Committee, requesting approval of Project No. P88-1511-X2A, for Industrial Hygienist Services - Asbestos Removal and Abatement and selection of Dennison Environmental, Inc., for the work, at a not-to-exceed amount of $95,000.00. Time for Performance will be two years from Contract execution. Account No. 2240-7885.
The Commission V O T E D: Approved.

2. Report of the Concession Selection Committee, April 9, recommending that the concession permits for Ponkapoag Golf Course, Canton and Kelly's Landing, South Boston, be renewed for the 1991 season.
Associate Commissioner Scandrett noted that the concession stand at Ponkapoag Golf Course in Canton was destroyed by fire this past winter. As a result, he explained, the concessionaire suffered a heavy financial loss including supplies and equipment. The concessionaire has agreed to vend from a mobile unit this season for the convenience of our patrons, Associate Commissioner Scandrett stated. He then spoke of the difficulty in establishing a permit fee and explained that the Concession Selection Committee is recommending that it be determined following a review of financial data at the close of the golf season.
Associate Commissioner Scandrett then explained that the concessionaire at Kelly's Landing, South Boston, at the request of the Boston Health Department, must make some improvements to the concession building, prior to opening day. Therefore, he noted, the concessionaire has requested early approval of his permit so that the improvements can be completed as soon as possible.
Associate Commissioner Jones requested that the concessionaire provide the Commission Secretary with a copy of Boston Health Department permit once the final inspection has been performed.
The Commission V O T E D: to renew the following concession permits for the 1991 season -

LOCATION	CONCESSIONAIRE	PERMIT FEE
Ponkapoag Golf Course Canton	Russell Finbow	Fee to be determined at the close of the 1991 season.
Kelly's Landing South Boston	Bay View Concessions d/b/a/ "The Landing"	$9,975.00 for season.

Associate Commissioner Scandrett, citing his membership on the Concession Selection Committee, abstained from voting on this matter.

Action was taken upon the following matter relating to the Office of Planning:

3. Report of Mrs. O'Brien, March 22, requesting approval of Contract-Agreements with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows:
1. Contract-Agreement with Daniel Driscoll - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
2. Contract-Agreement with Karl T. Haglund - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
3. Contract-Agreement with John S. O. Krajovic - Total Upset Limit, including $400.00 in expenses,

Services, be and hereby is accepted as completed as of January 4, 1991.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $2,061.33, for payment.

1. At this point the Commission once again discussed in detail the matter of renewal of the '03' Consultant Contract-Agreements for the period July 1, 1991 through June 30, 1992.
Associate Commissioner Jones and Scandrett spoke of the need for further information concerning the funding of the positions for Fiscal Year 1992 and asked for a policy statement from the Legislature and the Administration regarding renewal of "03" Consultant Contract-Agreements.
The Commission as a body discussed the outstanding work performed by the 03 Consultants over the past few years.
Commissioner Bhatti then explained that he is meeting with the Secretary of Environmental Affairs tomorrow, April 12, 1991, and at that time he expects to receive further information and direction relative to the Administration's policy on renewal of the '03' Consultants Contract-Agreements.

Action was taken upon the following matters relating to the Reservations and Historic Sites Division:

2. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with William A. Stokinger, for Cultural Resource Specialist Services. Total Compensation not to exceed $32,976.00, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 - subject to availability of funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Held Over.

3. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with Albert E. Pratt, for Operations Planner Services. Total Compensation not to exceed $32,324.00, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 subject to availability of funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Held Over.

4. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with Thomas F. Mahlstedt, for Chief Archaeologist Services. Total Compensation not to exceed $33,942.41, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 - subject to availability of funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Held Over.

5. Report of Mr. VanWart, April 3, requesting renewal of the Contract with the Environmental Intern Program, Northeast, for Providing the Services of Interns who will work with Division staff. Time for Performance July 1, 1991 through June 30, 1992. Account No. 2440-0010-03, subject to approval of the FY92 Service Contract Plan.
The Commission V O T E D: Held Over.

6. Report of Mr. VanWart, April 3, requesting renewal of the Contract with the Friends of Boston Harbor Islands, for Providing the Services of Volunteers for Georges, Lovells and Peddocks Islands. Time for Performance July 1, 1991 through June 30, 1992. Account No. 2440-0010-03, subject to approval of the FY92 Service Contract Plan.
The Commission V O T E D: Held Over.

Action was taken upon the following Various Matter:

7. Report of Mrs. Lam, March 25, requesting renewal of the Contract-Agreement with Janice S. Parlon, as MDC Liaison Coordinating the East Boston Pier Project and Community Liaison for the 16 Cities and Towns of the Mystic District. Total

Record of the Three Thousand Five Hundred and Sixty Fifth (3565th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, April 18, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley, Scandrett and Whelan.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Lenhardt, April 8, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise, contingent upon approval of the Secretary of the Executive Office of Environmental Affairs, Project No. P91-1616-C1A, Expansion Joint Repairs to the Alewife Brook Parkway Bridge, Cambridge, Massachusetts. Estimated Cost $95,000.00. Account No. 2490-0010.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs.

2. Report of Messrs. Faucher and Lenhardt, April 8, submitting for approval Work Schedule, Project Summary and Project Justification and requesting permission to advertise, contingent upon approval of the Secretary of the Executive Office of Environmental Affairs, Project No. P91-1615-C1A, Deck Joint Repairs, Revere Beach Parkway Bridge, Over MBTA. Estimated Cost $97,000.00. Account No. 2490-0010.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs.

3. Report of Messrs. Faucher and Abounaja, April 12, recommending approval of Extra Work Order No. 2, at a cost of $1,951.45, for cork expansion filler and caulking compound in and around the pool, on Contract No. P88-1542-C1A, with Brightway Corporation, for Improvements to Johnson Playground.
(Funds available in Account No. 2440-8887).
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $1,951.45, as recommended by Messrs. Faucher and Abounaja in their report of April 12, 1991.

4. Report of Mr. Faucher and Mrs. Graves-Jones, April 12, on bids for Installation of Reflectorized Pavement Markings at Various Locations of the MDC, Contract No. P91-1607-M1A.
(Mr. Faucher and Mrs. Graves-Jones recommend rejection of all bids and request permission to readvertise the project).
The Commission V O T E D: to reject all bids, as recommended by Mr. Faucher and Mrs. Graves-Jones.
The Commission further V O T E D: permission to readvertise the project.

5. Report of Messrs. Faucher and Terzian, April 11, recommending the following on Contract No. P82-0A04-C1A, with C. J. Mabardy, Inc., for Emergency Repairs to United Waste Company Dam, Mother Brook, Dedham -
(a) That work be accepted as completed as of November 30, 1990.
(b) That Estimate No. 2 (Final), in the amount of $22,982.40, be approved for payment.
(c) That reserve, in the amount of $5,276.45, be approved for payment.
(Basis of Award - $119,200.00)
(Total to Date - $105,528.96)
(Contract Administration Rating - 3.00)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of C. J. Mabardy, Inc., Contractor under Contact No. P82-0A04-C1A, for Emergency Repairs to United Waste Company Dam, Mother Brook, Dedham, be and hereby is accepted as completed as of November 30, 1990.
The Commission further V O T E D: to approve Estimate No. 2

(Final), in the amount of $22,982.40, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,276.45, for payment.

Action was taken upon the following matter relating to the Office of Landscape Architect:

1. Report of Mr. Jackson, April 11, recommending approval of the following on Contract No. P90-1573-C1A, with Brightway Corporation, for 1990 Parkway Landscape Improvements -
(a) Alteration No. 1, at no additional Contract cost to the Commission, for substituting roses on Contract Item No. 7 instead of planting 20 Green Ash trees and sodding median islands.
(b) An extension of time from April 4, 1991 to June 15, 1991, at no additional Contract cost to the Commission.
The Commission V O T E D: to approve Alteration No. 1, as recommended by Mr. Jackson.
The Commission further V O T E D: to approve an extension of time from April 4, 1991 to June 15, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Giella, April 9, recommending approval of the request of the Consultant for an extension of time from June 30, 1991 to November 30, 1991, on Contract No. WM89-014-S1A, with GEI Consultants, Inc., for Emergency Action Plan, Wachusett Dam, Clinton, Massachusetts.
(At no additional Contract cost to the Commission).
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Giella in their report of April 9, 1991.

3. Report of Messrs. McGinn and Kane, April 4, recommending approval of Extra Work Order No. 1, in the amount of $1,500.00, for hydro-fracturing the well at Fishing Area No. 1 - to increase the flow rate, on Contract No. WM89-016-C1A, with LaFramboise Well Drilling, Inc., for Potable Drilled Wells, Quabbin Reservoir, Belchertown, New Salem and Petersham, Massachusetts. At no additional Contract cost as the additional work will be offset by unused quantities in other items.
(The Contractor has agreed to a 50/50 cost sharing proposal, should the procedure not produce the required flow of 5 gallons per minute).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $1,500.00.

Action was taken upon the following Various Matters:

4. Report of Mrs. Lam, March 25, requesting renewal of the Contract-Agreement with Janice S. Parlon, as MDC Liaison Coordinating the East Boston Pier Project and Community Liaison for the 16 Cities and Towns of the Mystic District. Total Compensation not to exceed $32,324.00, which includes $500.00 for travel related expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-8873.
The Commission V O T E D: Approved as requested by Mrs. Lam in her report of March 25, 1991.

5. Report of Mr. Jewett, April 11, on behalf of the Consultant Selection Committee, recommending selection of GZA GeoEnvironmental, Inc., for Geotechnical Engineering Advice, Contract No. P87-1447-M1A. The fee will be established on a unit price and a cost plus fixed fee basis, not to exceed $30,000.00. Time for Performance will be two years from Contract execution. Account Nos. 2440-8848 and 2490-8881.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

1. Report of Messrs. Rodrigues and Tilas, April 12, recommending approval of an extension of time through June 30, 1992, on the Permit with Recreational Sports, Inc., for operation of the Blue Hills Ski Area.
Mr. Tilas explained that Legislation has been approved which authorizes a lease agreement for the Blue Hills Ski Area for a period of five to ten years. He noted that the MDC's Recreational Facilities and Programs Division and the Division of Capital Planing and Operations are currently working on specifications for a Request for Proposals for a Management Lease Agreement for operation of the facility. He then stated that his Division is recommending a one year extension to the existing Permit with Recreational Sports, Inc.
At this point, Robert Beers of Recreational Sports, Inc., addressed the Commission and spoke of the hardship created by a one year permit. He stated that it is virtually impossible to obtain funding for improvements to the ski area equipment and the purchase of rental equipment because of the one year permit. He then noted, if the recommendation as presented is approved, it will be the fourth consecutive year he has been limited to a one year permit.
Associate Commission Whelan spoke of his experiences with the winter program at the Blue Hills Ski Area and its importance to the children of the Metropolitan area.
Associate Commissioner Jones stated that he would be in favor of a two year Permit with the details to be worked out by the Contract Administrator and the Division. He then noted that approval of a two year Permit should not be interpreted as a license to expand the Blue Hills Ski Area.
Mr. Beers stated that he wants to upgrade the existing equipment and maintain the area in first class condition. He further stated he does not plan to expand the ski area.
The Commission V O T E D: Approval of an extension of time through June 30, 1993, on the Permit with Recreational Sports, Inc., for operation of the Blue Hills Ski Area.

2. Associate Commissioner Jones questioned the status of his request for a policy statement from the Administration relative to renewal of the "03" Consultant Contract Agreements for Fiscal Year 1992.
Commissioner Bhatti stated that the Executive Office of Environmental Affairs Commissioners were informed by Secretary Tierney at last week's meeting to initiate the renewal process. By so doing, she pointed out, once the final decision is made by the Administration, on whether or not to approve the renewals, the lengthy preliminary processing of the "03" Consultant Contract-Agreements will have been completed.
Associate Commissioner O'Malley once again noted that the funds to be utilized for these "03" Consultant Contract Agreements cannot be utilized for regular employee salaries. She then spoke of the excellent work performed by all of the "03's" who are on today's Agenda for Commission action.
Associate Commissioner Scandrett pointed out that an affirmative vote today will initiate the renewal process with the formal Contract Agreements, if approved by the Secretary of Environmental Affairs and the Secretary of Administration and Finance, being returned to the new Commissioners for execution.
Associate Commissioner Jones noted that work performed of certain "03" Consultants is mandated by law. He cited, as an example, the need for archaeological review of various projects.

Action was taken upon the following matters relating to the Reservations and Historic Sites:

3. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with William A. Stokinger, for Cultural Resource Specialist Services. Total Compensation not to exceed $32,976.00, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 - subject to availability of

funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Approved.

1. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with Albert E. Pratt, for Operations Planner Services. Total Compensation not to exceed $32,324.00, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 subject to availability of funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Approved.

2. Report of Mr. VanWart, April 4, requesting renewal of the Contract-Agreement with Thomas F. Mahlstedt, for Chief Archaeologist Services. Total Compensation not to exceed $33,942.41, which includes $500.00 for reimbursable expenses. Time for Performance will be from July 1, 1991 through June 30, 1992. Account No. 2440-0010-03 subject to availability of funds and FY92 Service Contract Plan Approval.
The Commission V O T E D: Approved.

3. Report of Mr. VanWart, April 3, requesting renewal of the Contract with the Environmental Intern Program, Northeast, for Providing the Services of Interns who will work with Division staff. Time for Performance July 1, 1991 through June 30, 1992. Account No. 2440-0010-03, subject to approval of the FY92 Service Contract Plan.
The Commission V O T E D: Approved.

4. Report of Mr. VanWart, April 3, requesting renewal of the Contract with the Friends of Boston Harbor Islands, for Providing the Services of Volunteers for Georges, Lovells and Peddocks Islands. Time for Performance July 1, 1991 through June 30, 1992. Account No. 2440-0010-03, subject to approval of the FY92 Service Contract Plan.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Planning:

5. Report of Mrs. O'Brien, March 22, requesting approval of Contract-Agreements with Daniel Driscoll, Karl T. Haglund, John S. O. Krajovic and David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows:
   1. Contract-Agreement with Daniel Driscoll - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
   2. Contract-Agreement with Karl T. Haglund - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.
   3. Contract-Agreement with John S. O. Krajovic - Total Upset Limit, including $400.00 in expenses, $41,496.00; Account No. 2441-9886; Time for Performance July 1, 1991 thru June 30, 1992.
   4. Contract-Agreement with David T. Queeley - Total Upset Limit, including $400.00 in expenses, $36,972.00; Account No. 2441-9886; Time for Performance - July 1, 1991 thru June 30, 1992.

   The Commission V O T E D: Approved.

6. Report of Mrs. O'Brien, April 8, submitting for approval Upper Charles River Restoration Program and requesting authority to move forward with Phase I (Land Surveying Services) of the II Phase project. Estimated Compensation for Phase I is $20,000.00. Estimated Time for Performance is two months.
Account No. 2449-7350.
(This project is subject to approval by the Secretary of the Executive Office of Environmental Affairs).
Mr. Driscoll reviewed the project and noted that plans call for surveying certain MDC areas in Waltham, Watertown and Newton which have been neglected for many years. He noted that sections

of river bank park land have been encroached upon and used by the private sector for parking, dumping and storage of various materials. The re-establishment of property lines, he explained, will enable the MDC to reclaim public river corridor open space. Mr. Driscoll then spoke of the renewed level of concern for this stretch of the Charles River, with joint efforts between the communities, businesses, resulting in new parks, land transfers and major clean-up of the river's banks.
Following the presentation, Associate Commissioner Jones requested that Mr. Driscoll make his presentation to the new Associate Commissioners, once they have been appointed, so they will be informed of the importance of the project.
Commission V O T E D: Approved subject to approval by the Secretary of the Executive Office of Environmental Affairs.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, March 22, requesting renewal of the Contract-Agreement with Thomas J. Gray, for Right of Way Services Pursuant to Land Acquisition, Control and Disposition. Total Compensation not to exceed $39,770.00, which includes $500.00 in reimbursable expenses. Time for Performance will be from July 1, 1991 to June 30, 1992. Accounts 2420-9883 and 2440-8840.
The Commission V O T E D: Approved.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from April 1, 1991 to April 8, 1991.

Expenditures $267,131.41

Adjourned at 12:30 p.m. to meet on Thursday, May 2, 1991 at 10:00 a.m.

William F. Cronin
Secretary

Record of the Three Thousand Five Hundred and Sixty Sixth (3566th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 2, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan.

The Records of the Commission Meetings held on April 11, 1991 and April 18, 1991 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. **RESOLUTION**

Resolved: That the Metropolitan District Commission, assembled in its Meeting held on May 2, 1991, does hereby express its deep and sincere appreciation to James F. McCann, Deputy Director for Construction, Engineering and Construction Division, for over forty-two years of faithful and productive service with the Commission and for the example he has set as a conscientious and dedicated public servant; that he will be missed by his many friends and co-workers who will always remember his friendliness and kindness and his pleasant manner; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to him their cordial best wishes that the years of his retirement may be many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Mr. McCann.

2. Contract-Agreement No. WM91-001-L2A, dated May 2, 1991, with Merrimack Engineering Services, Inc., for Wachusett Reservoir Land Survey Services.

3. Contract No. WM91-001-L3A, dated May 2, 1991, with Howe Surveying Associates, Inc., for Ware River Watershed Land Survey Services.

4. Contract-Agreement No. WM91-001-L1A, dated May 2, 1991, with Greenman - Pederson Inc., for Wachusett Reservoir Land Survey Services.

5. Contract-Agreement No. WM91-001-L4A, dated May 2, 1991, with C. T. Male Associates, P.C., for Quabbin/Ware Watershed Land Survey Services.

6. Contract No. P91-1606-C1A, dated May 2, 1991, with A. W. Paine Construction Corp., for Roofing and Gutter Repairs, Dorothy Quincy Homestead, Quincy, Massachusetts.

7. Contract No. P91-1610-M1A, dated May 2, 1991, with Allied Weatherproofing Co., Inc., for Servicing Filtration and Sterilization Systems at Various Swimming Pools, FY91 and FY92.

8. Contract-Agreement, dated May 2, 1991, with Albert E. Pratt, for Operations Planner Services.

9. Contract-Agreement, dated May 2, 1991, with William A. Stokinger, for Cultural Resource Specialist Services.

10. Contract-Agreement, dated May 2, 1991, with Janice S. Parlon, as MDC Liaison Coordinating the East Boston Pier Project and Community Liaison for the 16 Cities and Towns of the Mystic District.

11. Contract-Agreement, dated May 2, 1991, with David T. Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning.

12. Contract-Agreement, dated May 2, 1991, with John S.O. Krajovic, for Planning Services Pursuant to Land Acquisition and Master Planning.

1. Contract-Agreement, dated May 2, 1991, with Karl T. Haglund, for Planning Services Pursuant to Land Acquisition and Master Planning.

2. Contract-Agreement, dated May 2, 1991, with Daniel Driscoll, for Planning Services Pursuant to Land Acquisition and Master Planning.

3. Contract-Agreement, dated May 2, 1991, with Thomas J. Gray, for Right of Way Services Pursuant to Land Acquisition, Control and Disposition.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Lespasio, April 18, recommending approval of the request of the Contractor for an extension of time from May 15, 1991 to July 31, 1991, on Contract No. P87-1425-C3A, with D & R General Contracting, Inc., for Repairing/Replacing Bituminous/ Cement Concrete Sidewalks Throughout the Metropolitan District.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time from May 15, 1991 to July 31, 1991, as recommended by Messrs. Faucher and Lespasio in their report of April 18, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Messrs. Faucher and Brooks, April 16, recommending the following on Contract No. P88-1523-M1A, with Lewis Refrigeration Co., Inc., for Maintenance of Refrigeration Systems, MDC Skating Rinks -
(a) That work be accepted as completed as of December 8, 1990.
(b) That Estimate No. 13 (Final), in the amount of $47,399.91, be approved for payment.
(c) That reserve, in the amount of $5,386.11, be approved for payment.
(Basis of Award - $957,980.00)
(Total to Date - $925,736.04)
(Contract Administration Rating - 5.00)
(EEO Compliance - 4.25)
The Commission V O T E D: that the work of Lewis Refrigeration Co., Inc., Contractor under Contract No. P88-1523-M1A, for Maintenance of Refrigeration Systems, MDC Skating Rinks, be and hereby is accepted as completed as of December 8, 1990.
The Commission further V O T E D: to approve Estimate No. 13 (Final), in the amount of $47,399.91, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,386.11, for payment.

6. Report of Messrs. Faucher and Young, April 22, recommending approval of a proposal of Massachusetts Electric Company for increased street lighting on Mystic Valley Parkway, from High Street to the Medford/Winchester line, at an increased cost of $5,521.95 annually for 51 poles and 51 new luminaires. Account No. 2444-9005. Future funding will be subject to appropriation.
Mr. Lespasio explained that due to the high cost of an underground system, he is recommending that the Commission approve the Massachusetts Electric Company proposal which calls for wooden poles with overhead fed 100 watt, 9600 lumens high-pressure sodium luminaires.
At this point, Associate Commissioner Jones requested that Community Affairs confer with Medford officials to insure that they are in agreement that the additional lights called for under the proposal are needed.
He then asked that Mr. Burns, who complained about the lack of lighting in the area, be further identified as to whether or not he is a resident of the area.
The Commission V O T E D: Approved.

7. Report of Messrs. Faucher and O'Connor, April 19, recommending the following on Contract No. P84-1276-C3A, with John Mahoney

Construction Company, Inc./Whittier Equipment Corporation, for Bridge Deck Replacement - Sweetser Bridges, Everett, Massachusetts -

(a) That work be accepted as completed as of December 31, 1990.
(b) That Estimate No. 8 (Final), in the amount of $2,637.20, be approved for payment.
(c) That reserve, in the amount of $58,671.62, be approved for payment.

(Basis of Award - $1,097,585.00)
(Total to Date - $1,173,432.33)
(Contract Administration Rating - 4.30)
(EEO Compliance - 3.80)

Associate Commissioner Whelan once again questioned the status of the Commission's claim against the project Consultant's errors and omissions insurance on this project.

Mr. Baratta explained that he is still working on this matter and expects to meet either this week or next with officials of Hoyle Tanner and Associates concerning the claim. He then stated that he will update the Commission relative to the status of the claim following the meeting.

Associate Commissioner Whelan then pointed out that the insurance policy could expire soon. Therefore, he stated, staff should move expeditiously.

Associate Commissioner Jones then requested that Messrs. Jewett, Baratta and Wright stay on-top of the matter and return to the Commission with a recommendation as soon as possible.

The Commission V O T E D: that the work of John Mahoney Construction Company, Inc./Whittier Equipment Corporation, Contractor under Contract No. P84-1276-C3A, for Bridge Deck Replacement - Sweetser Bridges, Everett, Massachusetts, be and hereby is accepted as completed as of December 31, 1990.

The Commission further V O T E D: to approve Estimate No. 8 (Final), in the amount of $2,637.20, for payment.

The Commission further V O T E D: to approve release of reserve, in the amount of $58,671.62, for payment.

1. Report of Messrs. Faucher and DeLuca, April 25, recommending approval of the request of the Contractor for an extension of time from April 30, 1991 to July 15, 1991, on Contract No. P90-1576-C1A, with Allied Weatherproofing, for Critical Repairs to Swimming Pools.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time, from April 30, 1991 to July 15, 1991, as recommended by Messrs. Faucher and DeLuca in their report of April 25, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Mr. Faucher, April 24, requesting renewal of Contract-Agreement No. P86-1402-X6A with Mary F. Clutchey, as Project Planner - Transportation. Total Compensation $40,512.00, which includes $1,200.00 in reimbursable expenses. Time for Performance July 1, 1991 to June 30, 1992. Account No. 2490-0012.
The Commission V O T E D: Approved as requested by Mr. Faucher in his report of April 24, 1991.

Action was taken upon the following matters relating to the Office of Landscape Architect:

3. Report of Mr. Jackson, April 23, on bids for 1991 Cherry Tree Planting, Charles River Reservation, Contract No. P89-1561-C3A. Account No. 2448-0000.
(Mr. Jackson recommends acceptance of the lowest bid received, that of Holden Nursery, of $8,500.00).
The Commission V O T E D: to accept the lowest bid received, that of Holden Nursery, of $8,500.00.

4. Report of Mr. Jackson, April 23, recommending approval of a revision in quantity on Item No. 2 - Prunus serrrulata 'Shirofugen' - from 15 to 35 - at an additional cost of $3,400.00, on Contract No. P89-1561-C3A, with Holden Nurseries,

for 1991 Cherry Tree Planting, Charles River Reservation. (Funding for the additional trees will come from a donation to the Metropolitan Parks Trust Fund (Account No. 2440-0000) by the International Cultural Association of Japan).
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Kane, April 17, recommending the following on Contract No. WM88-052-C1A, with City Fence and Iron Works, Inc., for Fabrication and Installation of Closure Gates, Sudbury, Wachusett, Ware River, Quabbin Reservoir and Watershed Lands, Clinton and Belchertown, Massachusetts -
(a) That work be accepted as completed as of February 5, 1991.
(b) That Estimate No. 2 (Final), in the amount of $82,407.75, be approved for payment.
(c) That reserve, in the amount of $8,674.50, be approved for payment.
(Basis of Award - $173,490.00)
(Total to Date - $173,490.00)
(Contract Administration Rating - 3.14)
(EEO Compliance - 3.25)
The Commission V O T E D: that the work of City Fence and Iron Works, Inc., Contractor under Contract No. WM88-052-C1A, for Fabrication and Installation of Closure Gates, Sudbury, Wachusett, Ware River, Quabbin Reservoir and Watershed Lands, Clinton and Belchertown, Massachusetts, be and hereby is accepted as completed as of February 5, 1991.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $82,407.75, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $8,674.50, for payment.

2. Report of Messrs. McGinn and Kane, March 25, recommending approval of Alteration No. 1, a credit to the Commission of $6,193.68, for decreases in lighting units, concrete, fill pipes and other items, on Contract No. WM91-100-C1A, with P. R. Johnson, Inc., for Replacement of Underground Fuel Storage Tanks, Watershed Reservoir Areas.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and Kane in their report of March 25, 1991.

3. Report of Mr. McGinn, April 11, recommending the following on Contract-Agreement No. WM88-002-S1A, with the Nashua River Watershed Association, for Stillwater River Protection Project -
(a) That the Contract be accepted as completed as of February 28, 1991.
(b) That the final invoice, in the amount of $5,044.38, be approved for payment.
(c) That retainage, in the amount of $3,726.97, be approved for payment.
(Maximum Obligation was - $39,917.00)
(Final Cost - $37,269.83)
(Contract Administration Rating - 8.00 on a scale of 1.00 to 10.00 - 10.00 being excellent).
The Commission V O T E D: that the work of the Nashua River Watershed Association, Consultant under Contract-Agreement No. WM88-002-S1A, for Stillwater River Protection Project, be and hereby is accepted as completed as of February 28, 1991.
The Commission further V O T E D: to approve the final invoice, in the amount of $5,044.38, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $3,726.97, for payment.

4. Report of Messrs. McGinn and O'Connor, April 26, requesting that the Commission amend the vote of April 4, 1991 - Vol. 52, p. 130, E., concerning PERSONS 65 OR OLDER, MONDAY THRU FRIDAY (EXCEPT HOLIDAYS).
The Commission V O T E D: to amend its vote of April 4, 1991 - Vol. 52, p. 130, E., concerning PERSONS 65 OR OLDER, MONDAY THRU FRIDAY (EXCEPT HOLIDAYS), to read as follows:

RENTALS	MINIMUM	MAXIMUM	DEPOSIT
BOAT	$1.00	$ 3.50	$ 3.50
MOTOR (w/3 gals. gas)	4.00	10.00	10.00
TOTAL	$5.00	$13.50	$13.50

The following hourly chart will be in effect:

HOUR	BOAT	MOTOR	TOTAL COST
1	$1.00	$ 4.00	$ 5.00
2	1.00	4.00	5.00
3	1.00	5.00	6.00
4	2.00	6.00	8.00
5	2.50	7.00	9.50
6	3.00	8.00	11.00
7	3.50	9.00	12.50
8	3.50	10.00	13.50

(After 15 minutes past the hour, the next hour charge will be in effect).

Action was taken upon the following Various Matters:

1. Report of Mr. Traficante, April 17, requesting approval of a Contract with Marine Safety Consultants, Inc., to appraise tugboats Luna and Venus, which are partially submerged in the Charles River, near the Lee Pool, Boston. Total Compensation not-to-exceed $1,000.00. Time for Performance will be 3 months from Notice to Proceed. Account No. 2441-9886-00.
The Commission V O T E D: Approved.

2. Report of Mr. Jewett, April 23, recommending approval of an increase in the Contract upset limit from $39,000.00 to $49,000.00 and an extension of time from June 30, 1991 to June 30, 1992, on Contract-Agreement with Barnes and Jarnis, for Providing Engineering Services to the Attorney General on Various Matters for the Metropolitan District Commission. Account No. 2490-0012.
The Commission V O T E D: Approved.

3. Report of Mr. Jewett, April 23, recommending approval of an increase in the Contract upset limit from $50,000.00 to $65,000.00 and an extension of time from June 30, 1991 to June 30, 1992, on Contract-Agreement with I.E.P., Inc., for Expert Litigation Support and Consultation for the Department of the Attorney General. Account No. 2441-9886.
The Commission V O T E D: Approved.

4. Report of Mr. Jewett, April 24, requesting Commission approval of renewal of the Contract-Agreement with Daniel F. Coughlin, C.P.A., to Analyze all Contractors Financial Statements. Total Compensation not to exceed $3,650.00. Time for Performance July 1, 1991 through June 30, 1992. Account No. 2410-1000.
The Commission V O T E D: Approved.

5. Report of Mr. Wright, April 30, requesting approval and execution of a Contract-Agreement with Kenneth G. Chase, for Development Coordinator Services. Total Compensation not to exceed $23,500.00. Services shall terminate no later than October 31, 1991. Account No. 2441-9886.
The Commission V O T E D: Held Over.

6. Report of Mr. Jewett, April 30, requesting renewal of Contract-Agreement with Thomas F. McKenna, Esquire, for Professional Services representing the M.D.C. in Employee and Labor Matters including hearings before the Civil Service Commission, Administrative Bodies and Courts of the Commonwealth and further Services as the General Counsel deems essential. Total Compensation not to exceed $24,900.00. Time for Performance July 1, 1991 to June 30, 1992. Account No. 2440-0010.
The Commission V O T E D: Approved.

1. Report of Mr. Jewett, April 30, on the request of Teledyne Engineering Services, Contractor on Contract No. P87-1445-MIA, for Steel Inspection and Testing Services, for approval of the following subcontractors:

Baker Testing Services, Inc.	- Inspection Services
Luvak, Inc.	- Chemical Analysis
Geller Microanalytical Labs	- Electron Microscopy
Donald Messinger	- Ultrasonic Inspection
Robert Rowley	- Ultrasonic Inspection

(At no additional Contract cost to the Commission)
The Commission V O T E D: Approved.

2. At this point, Commissioner Bhatti and Associate Commissioner Jones, Whelan and O'Malley took note of the recent resignation of Dwight M. Scandrett as Associate Commissioner.
They joined in an expression of appreciation for his efforts in furthering the goals, policies, and responsibilities of the Metropolitan District Commission over the past eight years and wished him continued success in all future endeavors.

The following matter was placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from April 8, 1991 to April 15, 1991.

Expenditures $450,396.45

Adjourned at 1:10 p.m. to meet on Thursday, May 9, 1991 at 10:00 a.m.

William F. Cusack
Secretary

Record of the Three Thousand Five Hundred and Sixty Seventh (3567th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 9, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated May 9, 1991, with Thomas F. Mahlstedt, for Chief Archaeologist Services.

2. First Amendment, dated May 9, 1991, to Contract-Agreement WM89-014-S1A, with GEI Consultants, Inc., for Emergency Action Plan, Wachusett Dam, Clinton, Massachusetts.

3. Contract No. P89-1561-C3A, dated May 9, 1991, with Holden Nursery, for Cherry Tree Planting, Charles River Reservation.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Mayhew, May 1, recommending approval of the request of Ernest Minelli, Inc., Contractor on Contract No. P91-1594-C1A, for Slope Protection Repairs, Pleasure Bay Causeway and Castle Island Park, South Boston, to engage the services of New England Hydro-Seeding, as sub-contractor on Item No. 017-010 - Seeding - at a cost of $1,200.00.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Mayhew in their report of May 1, 1991.

5. Report of Messrs. Faucher and Chan, May 1, recommending approval of the request of Seaman Bratko Corp., Contractor on Contract No. P90-1574-C1A, for Furnishing and Installing New Storage Tanks, Pumps, and Automated Fuel Management Equipment at Various MDC Locations, to engage the services of Fleet Environmental Services, Inc., as sub-contractor for -

Item No. 001-010 - Revere Clean and Dispose of Tank	- $ 2,179.00
Item No. 002-010 - Nahant Clean and Dispose of Tank	- $ 3,083.00
Item No. 003-010 - Medford Clean and Dispose of Tank	- $ 1,964.00
Item No. 004-010 - Stoneham Clean and Dispose of Tank	- $ 2,973.00
Item No. 005-010 - Cambridge Clean and Dispose of Tank	- $ 1,964.00
Item No. 007-010 - Weston Clean and Dispose of Tank	- $ 1,794.00
Item No. 008-010 - South Boston Clean and Dispose of Tank	- $ 3,083.00
Item No. 010-010 Dispose of Contaminated Soil	- $15,600.00
Item No. 013-010 Ion. Meter and Multimeter	- $ 1,800.00
Item No. 014-010 Dispose of Contaminated Fuel	- $ 6,250.00
Item No. 016-010 Water Treatment System	- $15,900.00
Item No. 017-010 Treatment of Ground Water	- $11,500.00
	$68,090.00

and Sure-Test Corporation, as sub-contractor for Item No. 012-010 - Leak Testing - $ 9,450.00.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Chan in their report of May 1, 1991.

Action was taken upon the following matter relating to the Watershed Management Division:

6. Report of Messrs. McGinn and Kane, April 25, recommending the following on Contract No. WM91-100-C1A, with P. R. Johnson, Inc.,

for Removal and Replacement of Underground Storage Tanks, Watershed Reservoir Areas:

1. Extra Work Order No. 1, in the amount of $6,295.88, for furnishing and installing computer programs, hardware and accessory items. The cost of this Extra Work Order will be offset by unused quantities in other items.
2. An extension of time from March 7, 1991 to a period of (60) calendar days from the date of Commission approval.
3. Release of retainage, in the amount of $25,232.26, which is 80% of the amount currently due the Contractor.

Associate Commissioner Jones questioned what measures will be taken by the Division to insure security of the system.
Mr. Kane explained that the automatic fuel dispensing system has built in security which will provide for use of the pumps by maintenance personnel, police and other authorized staff during emergencies while offering maximum security and accountability at all times.
Associate Commissioner Jones then asked that an appropriate office at MDC Headquarters Building, 20 Somerset Street, Boston, be assigned the responsibility for the 250 gas pump access cords. He then asked that the Division take all reasonable precautions to insure that there is no in-house misuse of the access system.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $6,295.88.
The Commission further V O T E D: to approve an extension of time of 60 calendar days from May 9, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve release of retainage, in the amount of $25,232.26, for payment.

1. Report of Mr. McGinn and Ms. Eager, May 3, requesting approval of a Contract with Revet Environmental and Analytical Laboratories, for Laboratory Services. Maximum Obligation $25,000.00. Time for Performance 12 months, with an end date of June 30, 1992. Account No. 2420-1400.
The Commission V O T E D: Approved.

Action was taken upon the following Various Matters:

2. Report of Mr. Wright, April 30, requesting approval and execution of a Contract-Agreement with Kenneth G. Chase, for Development Coordinator Services. Total Compensation not to exceed $23,500.00. Services shall terminate no later than October 31, 1991. Account No. 2441-9886.
Commissioner Bhatti explained that Mr. Chase will work directly for the Commissioner to create a development program of public/private participation for the MDC.
Associate Commissioner Jones questioned if the compensation was consistent with the prevailing rate for similar work in State service. Mr. Jewett stated that to the best of his knowledge the rate was consistent.
Associate Commissioner Whelan asked if the position is necessary; if Mr. Chase is qualified for the position and if the Commission will be able to fund the Contract. Commissioner Bhatti responded in the affirmative to all three questions.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated May 9, 1991, with Kenneth G. Chase, which was signed by the Commissioner and two Associate Commissioners.

2. Report of the Concession Selection Committee, May 7, recommending that certain Concession Permits be renewed for the 1991 Summer Season.
The Commission V O T E D: to renew the following Concession Permits for the 1991 Summer Season -

LOCATION	CONCESSIONAIRE	COMPENSATION
Sandy Beach Winchester	Ralph Coppola	$1,500.00 - with an additional $200.00 donation to the Metropolitan Parks Trust Fund.

LOCATION	CONCESSIONAIRE	COMPENSATION
Artesani Tot-Lot Brighton	International Ice Cream	$1,050.00 for the season.
Breakheart Reservation Saugus-Wakefield	Don Schmidt	$ 880.00 for the season.
Olsen Pool Hyde Park	Allen Koplow	$ 425.00 for the season.
Lee Pool Boston	Corrine Ferullo	Permit fee of $330.00 was paid in 1989 and pool has not opened. Fee to be waived for 1991 season.
Constitution Beach East Boston	John Mangini	$1,325.00 for the season.
Dilboy Field Area (excluding the Stadium), Somerville	James H. Reinold	$ 440.00 for the season.
Nantasket Beach Pavilion, Hull	John and Sophia Koutrobis	$4,200.00 for the season.
Carson Beach South Boston	Paul Bartel	$ 440.00 for the season.
Georges Island Boston Harbor	Thomas G. Murphy	$2,000.00 and 10% of gross profits from sales over $20,000.00 for the season.
Nahant Beach Bathhouse Nahant	Lucas Dean	$3,465.00 and 10% of gross profits from sales over $30,000.00 for the season.
Houghton's Pond Milton	Sam Najjar	$4,500.00 for the season.
Hatch Shell Boston	Stephen Rubin Arthur Kelley	$6,500.00 with an additional contribution of $1,000.00 to the Metropolitan Parks Trust Fund.

Associate Commissioner Jones asked the Secretary to confer with Legal Counsel and obtain a statement, to be incorporated into the permits, protecting the Commission's interests in the event that certain facilities do not open, open late or close early this season.

1. Report of Mr. Jackson, May 7, recommending approval of Extra Work Order No. 1, for planting one 5-6 inch caliper Prunus yedoenis - Yoshino cherry tree, on the grounds of the State house - $1,500.00, and tree staking requirements - $350.00, which were inadvertently omitted from the contract specification, on Contract No. P89-1561-C3A, with Holden Nurseries, for 1991 Cherry Tree Planting. At no additional cost to the Commission as funds will be available from unused quantities in other items.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $1,850.00.

Action was taken upon the following matters relating to the Office of Planning:

2. Report of Mrs. O'Brien, May 1, submitting for approval work schedule, project summary and justification, also requesting permission to advertise, Project No. PL92-0002-S1A, Design and

Engineering Study of Walkway Across Old Charles River Dam, Boston. Estimated Cost is $25,000.00. Account No. 2440-8798. Time for Performance is 4 months.
Associate Commissioner Jones questioned if the MDC has personnel with the expertise to perform the work called for on this project and Project No. P192-0001-S1A and Project No. P192-0003-S1A.
Mr. Baratta responded that we do have the qualified personnel. However, he noted, other high priority projects which are already underway would have to be dropped.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

1. Report of Mrs. O'Brien, May 1, submitting for approval work schedule, project summary and justification, also requesting permission to advertise, Project No. PL92-0001-S1A, Mapping Services for Alewife Brook Reservation and Parkway to include Base Plans and Maps. Estimated Cost is $40,000.00. Account No. 2410-7882. Time for Performance is 3 months.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

2. Report of Mrs. O'Brien, May 3, submitting for approval work schedule, project summary and justification, also requesting permission to advertise, Project No. PL92-0003-S1A, Mapping Services for Neponset River Estuary/Neponset River Reservation. Estimated Cost is $25,000.00. Account No. 2449-8755. Time for Performance is 3 months.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matters relating to the Office of Real Property:

3. Report of Mrs. Anderson, April 30, recommending that the Commission adopt an Order of Taking for acquisition of 67.42± acres of land owned by Delos M. Hilton and Carol L. Hilton, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $81,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $85,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the acquisition as outlined in Mrs. Anderson's memo of April 30, 1991.
The Commission V O T E D: Held Over.

4. Report of Mrs. Anderson, April 30, on behalf of the Land Board, recommending that the Commission support legislation authorizing a long-term lease for the operation of the Trailside Museum as requested by the Massachusetts Audubon Society.
It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the legislation as outlined in Mrs. Anderson's memo of April 30, 1991.
Mrs. O'Brien explained that this request is a preliminary step by the Massachusetts Audubon Society (MAS), in the process of filing legislation for a 25 year lease for the operation of the Trailside Museum. If the Commission supports the concept, MAS will have legislation filed on its behalf.
Mrs. O'Brien then pointed out that the existing Management Agreement provides only a 90 day notice before it can be terminated. Therefore, she stated, with this type of notice, it is virtually impossible for MAS to attract financial assistance from private organizations for continued operation of Trailside Museum.
Following a discussion concerning the length of a long-term lease, Associate Commissioner Jones made the following motion, which was seconded and Approved: to support legislation to authorize the agency to enter into a long-term lease for the

operation of the facility known as the Trailside Museum. This lease shall be for a period not to exceed 20 years and shall be subject to the terms and conditions to be set forth by the Metropolitan District Commission in consultation with the Division of Capital Planning and Operations.

1. Report of Mrs. Anderson, April 30, on behalf of the Land Board, with Mr. Jackson dissenting, recommending that the Commission declare surplus certain land in the Town of Canton, for the construction of a water tower, as authorized by Chapter 530 of the Acts of 1989.

It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the recommendation as outlined in Mrs. Anderson's memo of April 30, 1991.

Mr. Michael D. Altfillisch, Chairman of the Canton Board of Selectmen, read a letter explaining in detail the need for a permanent easement of 22,000 square feet of land in the MDC's Blue Hills Reservation for construction of a 3,000,000 gallon water storage tank.

On questioning by Associate Commissioner Jones, Selectmen Altfillisch stated that the water stored in this tank would be used, not only for drinking, but for fire-fighting and other public safety purposes.

It was noted that this project has been ongoing for several years, since the passage of enabling legislation in 1989, and that consequently staff members and representatives of the MDC and the Town of Canton, including consultants, have been discussing the design, programatic and construction feasibility for the mutual benefit of both parties.

Associate Commissioner Whelan questioned the placement and the height of the tank. Commissioner Bhatti noted the difficulty in weighing public benefit versus the impact of such a structure on the aesthetics of the Blue Hills Reservation.

Dr. Ralph Blanchard, Chairman of the Canton Conservation Commission, noted that the Town is seeking the cooperation of the present owner of approximately 300 acres of land known and referred to as "the Canton Airport", to transfer this property to the MDC as a condition to the grant of an easement to the Town of Canton for the construction of the tank.

On questioning by Associate Commissioner Whelan, Vincent Cronin, Acting Director of the Real Property Office, noted that the Town of Canton requires less than a fee interest in the property, and an area less than the area originally described in the enabling legislation; so long as the Town of Canton receives an easement interest in a smaller portion of the property, no amending legislation is required.

Mr. David Hodgdon of the Friends of the Blue Hills, requested that the Commission consider alternative sites, expressing concern about the placement and height of the proposed tank, and endorsed the acquisition of the Canton Airport land as a condition to the Commission's approval of this project.

Peter Jackson, Director of the Office of Landscape Architect, spoke as a dissenting member of the MDC Land Board, raising the issue of visibility from all directions within the Ponkapoag area, and questioned whether engineering alternatives to the planned height and placement of the tank had been considered by the Town of Canton.

Associate Commissioner Jones noted the delay from the time of the filing of the original bill to the time when the Friends of the Blue Hills officially notified the Commission of its concerns. Associate Commissioner Jones suggested a detailed review of the feasibility and impact of this construction remains to be undertaken. Associate Commissioner Whelan suggested that analysis of all the design and construction alternatives should be explored, especially in regard to the interests of public safety and insurance liability.

Commissioner Bhatti proposed that Mr. Baratta, MDC Chief Engineer, arrange for an independent engineering consultant to review and analyze the data presented by the Town of Canton and propose alternatives and options for consideration by the Commission.

Associate Commissioner Jones moved that all parties get together as soon as possible, through Mr. Baratta, and agree upon a recommended course of action for consideration by the Commission within the next few weeks. Associate Commissioner Jones's motion was seconded and approved.

1. Report of Mrs. Anderson, April 30, on behalf of the Land Board, recommending approval of the request of the National Park Service for an easement to maintain two parcels of land which are adjacent to the Adams National Historic Site in Quincy. The request will also require authorizing legislation.
It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the recommendation submitted by Mrs. Anderson on behalf of the Land Board.
The Commission V O T E D: to declare surplus to its needs Parcels P1A and P1 or such parts of those parcels which lie southerly of the center line of furnace brook, located in the Adams National Historic Site Protection Plan pending passage of authorizing legislation. Said National Park Service shall also provide a metes and bounds survey plan.

2. Report of Mrs. Anderson, April 30, recommending that the Commission adopt an Order of Taking for acquisition of 45.729± acres of land owned by Dorothy M. Morrill, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $59,500.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $62,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the acquisition as outlined in Mrs. Anderson's memo of April 30, 1991.

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The Commission V O T E D: to adopt an Order of Taking for acquisition of 45.729± acres of land owned by Dorothy M. Morrill, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 9, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Rutland (Worcester County) Mass., Land Taking Plan for Watershed Protection", prepared by Merrimack Engineering Services, dated June 29, 1990, which plan shall be recorded with this order in the Worcester District Registry of Deeds and made a part of this order, namely:

A parcel of land off Davis Road in said Rutland, bounded and described as follows:

BEGINNING at a drill hole at the corner of stone walls, at the northeasterly corner of land now or formerly of Hatstat and other land now or formerly of Morrill, said point located 861.3 feet ± south of the westerly sideline of Davis Road, running S. 12 degrees 23' 05" W. 1,301.90 feet along land now or formerly of Morrill to a point at a drill hole in a stone wall, at land now or formerly of Pray; thence
N. 84 degrees 04' 40" W. 36.49 feet along land now or formerly of Pray to a point at a drill hole in a stone wall; thence
N. 83 degrees 26' 16" W. 290.17 feet along land now or formerly of Pray and land now or formerly of Nagy to a point at a drill hole in a stone wall; thence
N. 83 degrees 24' 04" W. 260.11 feet along land now or formerly of Nagy to a point at a drill hole in a stone wall; thence

N. 83 degrees 50' 47" W. 188.13 feet along land now or formerly of Nagy to a point at a drill hole in a stone wall; thence
N. 83 degrees 38' 28" W. 224.63 feet along land now or formerly of Nagy to a point at a drill hole in a stone wall; thence
N. 83 degrees 34" 06" W. 461.59 feet along land now or formerly of Nagy to a point at a drill hole in a stone wall at land now or formerly of the Commonwealth; thence
N. 07 degrees 36' 42" E. 504.82 feet along land now or formerly of the Commonwealth; thence
N. 07 degrees 09' 03" E. 217.57 feet along land now or formerly of the Commonwealth to a point at a drill hole in a stone wall; thence
N. 07 degrees 13' 03" E. 601.57 feet along land now or formerly of the Commonwealth to a point; thence
S. 84 degrees 37' 24" E. 466.99 feet along land now or formerly of the Commonwealth and land now or formerly of Hatstat, to a point at a drill hole in a stone wall; thence
S. 74 degrees 46' 34" E. 26.98 feet along land now or formerly of Hatstat to a point at a drill hole in a stone wall; thence
S. 80 degrees 09' 14" E. 144.06 feet along land now or formerly of Hatstat to a point at a drill hole in a stone wall; thence
S. 80 degrees 31' 43" E. 40.04 feet along land now or formerly of Hatstat to a point at a drill hole in a stone wall; thence
S. 79 degrees 27' 00" E. 213.24 feet along land now or formerly of Hatstat to a point at a drill hole in a stone wall; thence
S. 83 degrees 15' 54" E. 342.80 feet along land now or formerly of Hatstat to a point at a drill hole in a stone wall; thence
S. 82 degrees 39' 21" E. 341.94 feet along land now or formerly of Hatstat to a point at a drill hole at the corner of stone walls and land now or formerly of Morrill and the point of beginning.

Containing 1,991,972 square feet of land, or 45.729 acres, more or less, as shown on the above-referenced plan.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Lucy Ann Davis to George M. Davis, dated January 4, 1904, and recorded with Worcester District Registry of Deeds in Book 1770, Page 242.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Dorothy M. Morrill	$ 59,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $59,500.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $62,000.00.

The following matters were placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from April 15, 1991 to April 22, 1991.

   Expenditures $744,218.08

2. The following schedules were approved for payment by the Commissioner during the period from April 22, 1991 to April 29, 1991.

   Expenditures $994,357.21

Adjourned at 2:18 p.m. to meet on Thursday, May 16, 1991 at 10:00 a.m.

William I. Cronin
Secretary

Record of the Three Thousand Five Hundred and Sixty Eighth (3568th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 16, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan.

The Records of the Commission Meeting held on May 2, 1991 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated May 16, 1991, with Marine Safety Consultants, Inc., to Appraise Tugboats Luna and Venus.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Anders, May 13, on petition of Boston Edison Company for a Grant of Location to install and maintain 590' of underground 115 KV conduit within, along and beneath Columbia Road, Pacuska Circle and Old Colony Avenue, in the South Boston Section of the City of Boston.
ORDERED that, on petition of Boston Edison Company, dated April 11, 1991, for location, shown on Plan of Boston Edison Company dated April 7, 1989, entitled "Plan of Old Colony Avenue and Pacuska Circle (WD-7) Columbia Road and Preble Street, South Boston" to place in the South Boston District of the City of Boston namely Columbia Road, Pacuska Circle and Old Colony Avenue, as follows: approximately 590' of 2-8 5/8" pritec coated steel pipes containing 115KV cables and related apparatus therein, to be used for the transmission of electricity, said location having been found by order of the Department of Public Utilities to be required by public convenience and necessity, said plan and petition being on file in the office of the Commission, a public hearing on said petition having been given by this Commission on Thursday, May 16, 1991 at 10:00 A.M., in the Marilyn Morrison Commission Meeting Room of the Commission in Boston, of which hearing due notice was given to all persons interested of the time and place by publishing a copy of said petition and the order of notice issued thereon by this Commission in newspapers published in which the location petitioned for would lie, the first publication having been made at least fourteen days prior to the date of said hearing, and it appearing, in the opinion, of this Commission, that public convenience and necessity so require, said Boston Edison Company is hereby granted a location for approximately 590' of 2-8 5/8" pritec coated steel pipes containing 115KV cables and related apparatus therein, to be used for the transmission of electricity, in the South Boston District of the City of Boston namely Columbia Road, Pacuska Circle and Old Colony Avenue, to the extent and upon the terms, conditions, and obligations hereinafter specified, the same being such as the public necessity and a due regard for the rights of the Commonwealth require, namely:-
1. Boston Edison Company shall conform to all provisions of law applicable to the exercise of their rights and performance of the work under this grant and to the rules and regulations of the Metropolitan District Commission.
2. Boston Edison Company shall do the work of installing said conduit with necessary wires, cables and related apparatus therein, the location hereby granted subject to the approval of the Director of Permits for the Commission, as to time, manner, and location, and in all other respects.
3. Boston Edison Company shall indemnify and save harmless the Commonwealth of Massachusetts and the Metropolitan District Commission from any damage it or they may sustain or be required to pay arising out of the exercise by said Company or any of its employees in connection with the work done hereunder.
4. Boston Edison Company shall protect and maintain all trees, drainage, or water pipes, and all appurtenances or structures either above or below the surface of the ground over which this location lies, during and upon completion of the work

shall restore the surface of the ground to a condition satisfactory to said Director of Permits, for the Commission.

5. Boston Edison Company shall take all possible measures during construction to reduce the impact on the area.
6. Boston Edison Company shall place and maintain proper barriers at all times and from the beginning of twilight through the whole of every night sufficient lights to protect the public from injury or damage during the progress of the work under this grant or during repairs upon said conduit with necessary wires, cables and related apparatus therein, may hereafter become necessary.
7. Boston Edison Company to pay a one-time fee of $935.00 for approximately 590 feet of 2-8 5/8" pritec coated steel pipes containing 115KV cables and related apparatus therein, to be used for the transmission of electricity to the South Boston District of the City of Boston namely Columbia Road, Pacuska Circle and Old Colony Avenue, and to be owned by the petitioner, in Columbia Road, Pacuska Circle and Old Colony Avenue in the South Boston District of the City of Boston, Massachusetts.
8. No work shall be done under this grant without first obtaining a permit therefor from said Director of Permits, and subject to conditions imposed by him.

1. Report of Messrs. Faucher and Abounaja, May 1, recommending approval of Extra Work Order No. 2, in the amount of $1,912.73, for Relocation of Fire Hydrant at Future Entrance of Old Harbor Park, on Contract No. P89-1556-C1A, with John Mahoney Construction Co., Inc. /Whittier Equipment Corp., for Old Harbor Park, Dorchester Shores Reservation, Boston.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $1,912.73.

2. Report of Messrs. Faucher and Abounaja, May 2, recommending approval of a revision in quantities on the following items -

Item No. 017-060 -	**- $4,800.00**
Small Metal Trash Receptacle	
Item No. 017-060 -	**+ $ 600.00**
Large Metal Trash Receptacle	
Item No. 017-080 -	**+ $ 330.00**
Metal Removable Bollard	
Item No. 017-040 -	**- $2,200.00**
12-Foot Benches	
At a Total Savings of $6,070.00,	

on Contract No. P89-1556-C1A, with John Mahoney Construction Co., Inc.,/Whittier Equipment Corp., for Dorchester Shores Reservation, Boston.
(At no additional Contract cost to the Commission).
Associate Commissioner Whelan expressed concern regarding the reduction in the number of small trash receptacles and questioned if the recommended number would be sufficient.
Associate Commissioner O'Malley questioned if Central Services was consulted concerning the number, size and location of the trash receptacles.
Associate Commissioner Whelan pointed out that this is another instance of a project Consultant miscalculating quantities on a project.
Associate Commissioner Jones then requested that in all future contracts of this type Central Services be contacted for input prior to finalization of the project.
The Commission V O T E D: Held Over for additional information.

3. Report of Messrs. Faucher and O'Connor, May 7, recommending approval of the request of the Contractor for an extension of time from April 30, 1991 to September 30, 1991, on Contract No. P82-1047-C1A, with J. F. White Contracting Co., for Rehabilitation of General Edwards Bridge Revere/Lynn.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time from April 30, 1991 to September 30, 1991, as recommended by Messrs. Faucher and O'Connor in their report of May 7, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Lenhardt, May 9, recommending approval of the request of the Contractor for an extension of time from April 23, 1991 to June 30, 1991, on Contract No. P84-1276-C7A, with The Modern Continental Construction Co., Inc., for Repairs to Monsignor William J. Casey Overpass, Boston, Massachusetts.
(At no additional Contract cost to the Commission).
The Commission V O T E D: to approve an extension of time from April 23, 1991 to June 30, 1991, as recommended by Messrs. Faucher and Lenhardt in their report of May 9, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Arinella, May 7, recommending approval of Extra Work Order No. 1, in the amount of $15,101.90, for emergency repairs to the walk-in freezer at the Franklin Park Zoo, on Contract No. P90-1586-M1A, with Patrick J. Kennedy & Sons, Inc., for Servicing HVAC Systems at the Franklin Park and Stone Memorial Zoos.
Account No. 2443-2000.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $15,101.90.

3. Report of Messrs. Faucher and Chan, May 14, recommending approval of Alteration No. 1 - for the reduction in size of cement concrete anchor slabs, at a credit of $14,124.00 and Alteration No. 2 - for the reduction in the size of the fuel tanks, at a credit of $1,628.00, on Contract No. P90-1574-C1A, with Seaman Bratko Corporation, for Furnishing and Installing New Storage Tanks, Pumps and Automated Fuel Management Equipment at Various MDC Locations.
The Commission V O T E D: Alteration No. 1, at a credit to Commission, in the amount of $14,124.00.
The Commission further V O T E D: Alteration No. 2, at a credit to Commission, in the amount of $1,628.00.

Action was taken upon the following matter relating to the Central Service Division:

4. Report of Mr. Kerins, May 2, recommending award of Rubbish Dumpster Supply, Service and Waste Disposal Contracts for Fiscal Year 1992, to the low bidders, as follows -

Harbor District	- Reliable Rubbish	- $ 63,500.00
Neponset District	- Reliable Rubbish	- $ 42,200.00
Charles District	- Reliable Rubbish	- $ 65,760.00
Mystic District	- Reliable Rubbish	- $116,558.00
Direct Dumping ($57.00 per ton)	- Laidlaw Waste Systems	- $114,000.00 estimated cost
Funding from Account No. 2440-0010.		
Metro-Parks Zoos	- Laidlaw Waste Systems	- $ 39,800.00
Funding from Account No. 2443-2000.		

The Commission V O T E D: Approved.

Action was taken upon the following Various Matter:

5. Report of Mr. Baratta, May 15, requesting approval to seek consultant services for Mitigation Study for Proposed Water Tower, Canton, Massachusetts. Estimated Cost $10,000.00. - With a completion date no later than June 30, 1991.
Account No. 2410-7872.
Associate Commissioner Jones reviewed the comments made at last weeks Commission Meeting concerning the proposed water tower. Commissioner Bhatti stated that if the request of the Town of Canton to acquire Commission land for the tower is approved, it will be precedent setting. Therefore, he explained, he plans to form a committee to study and recommend to the Commission for approval a policy concerning any future requests for disposition of Commission park land.
Associate Commissioner Whelan noted that in 1989 legislation was enacted authorizing the MDC to transfer approximately 80,000 square feet of land to the Town of Canton for placement of the

water tower. However, he pointed out, the Town needs only a 22,000 square foot permanent easement for the tower. He asked that appropriate steps be taken including filing of legislation, if necessary, amending the original legislation so that no more land than is needed for the tower is disposed of by the Commission.
Commissioner Bhatti stated that he would follow through on this matter.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mrs. Anderson, April 30, recommending that the Commission adopt an Order of Taking for acquisition of 67.42± acres of land owned by Delos M. Hilton and Carol L. Hilton, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $81,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $85,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
It was noted that this item was submitted to the Commission by Mrs. Anderson prior to the date her employment at the MDC ceased. It was further noted that Vincent Cronin the new Acting Director of Real Property supports the acquisition as outlined in Mrs. Anderson's memo of April 30, 1991.
The Commission V O T E D: to adopt an Order of Taking for acquisition of 67.42± acres of land owned by Delos M. Hilton and Carol L. Hilton, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 16, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts shown on a plan entitled "Commonwealth of Massachusetts Metropolitan District Commission Division of Watershed Management Rutland (Worcester County) MA Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, P.C., and dated June 18, 1990, which plan shall be recorded with this order in the Worcester District Registry of Deeds and made a part of this order, namely:

A parcel of land in said Rutland lying about 2,340 feet easterly of a way known as Intervale Road and bounded and described as follows:

Beginning at a drill hole at the intersection of stone walls in the northerly line of land now or formerly of the Worcester Natural History Society, said point of beginning marking the southeasterly corner of land of the Commonwealth of Massachusetts; thence
along said Commonwealth land by the following four courses;
N. 20 degrees 08' 00" W. a distance of 981.40 feet to a crows foot set in the corner of a stone wall; thence
S. 70 degrees 57' 45" W. a distance of 437.51 feet to a drill hole at the intersection of stone walls; thence
N. 21 degrees 27' 55" W. a distance of 769.28 feet to a concrete bound at the north end of a stone wall; thence
N. 21 degrees 04' 35" W. a distance of 162 feet, more or less, to the center of the Ware River; thence

along land now or formerly of Robert G. and Mary Ann Hatstat easterly on the center of the Ware River 1,225 feet, more or less, to a point; thence
along land of the Commonwealth by the following five courses;
S. 50 degrees 16' 52" E. a distance of 74 feet, more or less, to a point, said point being N. 46 degrees 12' 53" E. a distance of 1181.45 feet from the last mentioned point at the north end of a stone wall; thence
N. 65 degrees 41' 17" E. a distance of 150.00 feet to a concrete bound; thence
S. 24 degrees 26' 17" W. a distance of 49.50 feet to a point; thence
S. 77 degrees 33' 43" E. a distance of 1,229.00 feet to a point; thence
S. 82 degrees 02' 15" E. a distance of 115.43 feet to a concrete bound; thence
along land now or formerly of Delos M. and Carol L. Hilton, by the following seven courses;
S. 24 degrees 09' 43" W. a distance of 266.31 feet to a concrete bound; thence
S. 69 degrees 29' 06" W. a distance of 385.21 feet to a concrete bound; thence
S. 20 degrees 29' 20" E. a distance of 363.02 feet to a drill hole set in the corner of a stone wall; thence
S. 72 degrees 11' 50" W. a distance of 432.90 feet to a drill hole set in a stone wall; thence
S. 10 degrees 18' 20" E. a distance of 1,122.23 feet to a concrete bound; thence
S. 02 degrees 11' 13" E. a distance of 196.47 feet to a drill hole set in a base stone; thence
S. 02 degrees 11' 13" E. a distance of 22 feet, more or less, to a point in the center of Sewall Brook; thence
along land now or formerly of David B. Hallen and Mark C. Johnson by the following two courses;
westerly on the center line of Sewall Brook 704 feet, more or less, to a point; thence
S. 14 degrees 49' 10" W. a distance of 22 feet, more or less, to a concrete bound set in the corner of a stone wall, said concrete bound being N. 76 degrees 24' 39" W. a distance of 618.50 feet from the last mentioned drill hole set in a base stone; thence
along land of said Worcester Natural History Society,
S. 67 degrees 30' 03" W. a distance of 111.41 feet to the point of beginning.

Containing 67.42 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from the United States of America, acting through the Administrator of the Farmers Home Administration, United States Department of Agriculture, to Delos M. Hilton and Carol L. Hilton, dated April 23, 1986, and recorded with the Worcester District Registry of Deeds in Book 9647, Page 180.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land. There is expressly excluded from this taking and hereby reserved for the benefit and use of the owners of said property, the right of ingress and egress over that portion on the easterly side of the above premises designated and partly shown on said plan as a "farm road", but solely for the purposes of leading livestock and transporting farming machinery, equipment, apparatus, crops and produce from and to the remaining land of said owners; provided, that the right to pass and repass hereby reserved shall be confined to the existing farm road, so-called, which is positioned directly between the break in two stone walls referenced within the above description of the premises: "... S. 20 degrees 29' 20" E. a distance of 363.02 feet to a drill hole set in the corner of a stone wall; thence S. 72 degrees 11' 50" W. a distance of 432.90 feet to a drill hole in a stone wall ... "; and provided further, that said right to pass and repass shall in no way constitute the grant to the said owners of any right, either expressed or implied, to access the Ware River on or over or through any portion of the premises taken hereby.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Delos M. Hilton and Carol L. Hilton	$ 81,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $81,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6 and 12, not to exceed the amount of $85,000.00.

1. At this point, Associate Commissioner Jones asked that Legal Counsel prepare a statement clarifying and explaining the legal liability of the Commission members and MDC employees for all actions undertaken in the performance of their official and authorized acts, duties and obligations.

2. Report of Mr. Cronin, May 13, recommending that the Commission adopt an Order of Taking for acquisition of 36.658 acres ± of land owned by Bruce E. Wetherby and Linda E. Wetherby, located in the Towns of Shutesbury and New Salem, Massachusetts, and to approve an award of damages in the amount of $45,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $49,000.00.
The Commission V O T E D: to adopt an Order of Taking for acquisition of 36.658 acres ± of land owned by Bruce E. Wetherby and Linda E. Wetherby, located in the Towns of Shutesbury and New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 16, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Shutesbury and New Salem in the County of Franklin and Commonwealth of Massachusetts, shown on a plan entitled "Commonwealth of Massachusetts Metropolitan District Commission Division of Watershed Management Shutesbury & New Salem (Franklin County) MA Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, P.C., and dated June 19, 1990, which plan shall be recorded with this order in the Franklin County Registry of Deeds and made a part of this order, namely, a parcel bounded and described as follows:

BEGINNING: at drill hole in a stone bound located in the Town of New Salem at the northeasterly corner of said parcel, also being the northwesterly corner of the remaining land of Bruce E. and Linda E. Wetherby; thence

S. 04 degrees 52' 30" W. a distance of 1,358.02 feet along said land of Wetherby to a drill hole in a stone bound at the southeasterly corner of said parcel, also being the southwesterly corner of the aforesaid remaining Wetherby land; thence
N. 73 degrees 31' 05" W. a distance of 459.22 feet along land of the Commonwealth of Massachusetts to a drill hole in a stone bound, said bound being located in the Town of Shutesbury; thence
N. 69 degrees 19' 39" W. a distance of 698.90 feet along land of said Commonwealth to a drill hole in a stone bound; thence
N. 72 degrees 29' 51" W. a distance of 442.03 feet along land of said Commonwealth to a drill hole in a stone bound;

thence
N. 05 degrees 37' 58" E. a distance of 671.61 feet along land of said Commonwealth to a drill hole in a stone bound; thence
N. 84 degrees 31' 43" E. a distance of 376.68 feet along land of said Commonwealth to a drill hole in a stone bound; thence
N. 80 degrees 58' 39" E. a distance of 977.32 feet along land of said Commonwealth to a drill hole in a stone bound, said bound being located in the Town of New Salem; thence
S. 86 degrees 20' 25" E. a distance of 225.57 feet along land of said Commonwealth to the point of beginning.

Containing 36.658 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Louie M. Wetherby, et ux, to Bruce E. Wetherby and Linda E. Wetherby, by deed dated March 1, 1985, and recorded with Franklin County Registry of Deeds in Book 1844, Page 28.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Bruce E. Wetherby and Linda E. Wetherby	$ 45,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $45,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $49,000.00.

1. At this point, Associate Commissioner Whelan read the following letter which he received from Edna M. Kelly of 9 Monument Square, Charlestown, Chairperson of the annual Charlestown Doll Carriage Parade -

"I am writing to you regarding the annual Charlestown Doll Carriage Parade, being held on Saturday, June 15, 1991. I was wondering if we could use the O'Neil skating rink in case of inclement weather. The hours would be between 9:00 A.M. and 11:00 A.M. Thank you for any consideration in this matter."

On motion of Associate Commissioner Whelan, the Commission V O T E D: approval of the request. Ms. Connolly, Acting Director of Recreational Facilities and Programs, was asked to contact Ms. Kelly and work out the details.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from April 29, 1991 to May 6, 1991.

Expenditures $237,374.32

Adjourned at 12:05 p.m. to meet on Thursday, May 23, 1991 at 10:00 a.m.

William F. Cusack
Secretary

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23,1991

Record of the Three Thousand Five Hundred and Sixty Ninth (3569th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 23, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated May 23, 1991, with the Friends of Boston Harbor Islands, for Providing the Services of Volunteers for Georges, Lovells and Peddocks Island.

2. Contract-Agreement No. P86-1402-X6A, dated May 23, 1991, with Mary F. Clutchey, for Project Planner - Transportation Service.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Abounaja, May 2, recommending approval of a revision in quantities on the following items -

Item No. 017-060 -	- $4,800.00
Small Metal Trash Receptacle	
Item No. 017-060 -	+ $ 600.00
Large Metal Trash Receptacle	
Item No. 017-080 -	+ $ 330.00
Metal Removable Bollard	
Item No. 017-040 -	- $2,200.00
12-Foot Benches	
At a Total Savings of	$6,070.00,

on Contract No. P89-1556-C1A, with John Mahoney Construction Co., Inc.,/Whittier Equipment Corp., for Dorchester Shores Reservation, Boston.
(At no additional Contract cost to the Commission).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Lenhardt, May 15, recommending approval of an extension of time from August 30, 1991 to July 30, 1992, and an increase in the upset limit in an amount not-to-exceed $31,212.00, on Contract-Agreement No. P84-1276-D2C, with Hoyle, Tanner and Associates, Inc., for Professional Engineering Services for Repairs to Bridges, Parkways and other Facilities of the Metropolitan District Commission.
The Commission V O T E D: Held Over.

5. Report of Messrs Faucher and Higgott, May 14, recommending approval of a revision in quantities on Item No. 030-531 - Pavilion No. 4 and 5 Concrete Patching - at an increase in cost of $11,000.00, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repairs to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation.
Account No. 2440-8881.
The Commission V O T E D: Approved.

6. Report of Messrs. Faucher and Higgott, April 24, recommending approval of the following requests of Linden Construction, Inc., Contractor on Contract No. P82-1079-C1A, for Repair of Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation -
   1. That the Commission rescind the vote of June 30, 1990, approving Vesco Endeavors as sub-contractor for Carpentry Work, at a cost of $100,000.00.
   2. That the Commission approve Component Home, Inc., as sub-contractor for Carpentry Work, at a cost of $100,000.00.
   3. That the Commission approve W. Howard Associates, Inc., as sub-contractor for Plantings, at a cost of $8,800.00.

The Commission questioned the reason why Linden Construction, Inc., was unable to negotiate a subcontract with Vesco Endeavors for the carpentry work on this project. Mr. Higgott, Project Engineer, stated that he did not have this information readily

available, but would have an answer for the Commission for the meeting of May 30, 1991.
The Commission V O T E D: to Hold Over this item pending receipt of clarification as to why Linden Construction was unable to negotiate a subcontract with Vesco Endeavors.

1. Report of Messrs. Faucher and Higgott, May 15, recommending approval of Extra Work Order No. 5, in the amount of $11,071.95, for additional work at Bastion 3, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $11,071.95.

2. Report of Messrs. Faucher and Higgott, May 9, recommending approval of Alteration No. 1 - Furnish and Install Revised Base Casting Assemblies for Light Poles - at a cost of $21,607.09, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation. Account No. 2440-8881.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Higgott in their report of May 9, 1991.

3. Report of Messrs. Faucher and Higgott, May 9, recommending approval of Extra Work Order No. 7, in the amount of $27,075.10, for bastion repair work at pavilions 6, 7, 8 and 9, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation. Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 7, in the amount of $27,075.10.

4. Report of Messrs. Faucher and Higgott, May 17, recommending approval of Extra Work Order No. 8, in the amount of $9,321.50, for a bandstand wheelchair lift, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation. Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 8, in the amount of $9,321.50.

5. Report of Messrs. Faucher and Higgott, May 17, recommending approval of Extra Work Order No. 9, in the amount of $13,522.87, to provide for bird-dropping removal and bandstand decontamination, on Contract No. P82-1079-C1A, with Linden Construction, Inc., for Repair to Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation. Account No. 2440-8881.
The Commission V O T E D: to approve Extra Work Order No. 9, in the amount of $13,522.87.
The Commission further V O T E D: to approve American Environmental Services, as sub-contractor for bird-dropping removal and bandstand decontamination.

Action was taken upon the following matters relating to the Watershed Management Division:

6. Report of Mr. McGinn and Ms. Austin, May 17, requesting authorization for Commissioner Bhatti to execute a Contract with the Department of Environmental Protection for 319 (h) Nonpoint Source Grant, for rehabilitation of the Sterling Filter Beds, in the total sum of $21,000.00, with the Commission responsible for a minimum in kind services of $8,400.00.
(April 19, 1990 - Commission voted approval).
The Commission V O T E D: to authorize Commissioner Bhatti to execute a Contract with the Department of Environmental Protection for 319 (h) Nonpoint Source Grant, for rehabilitation of the Sterling Filter Beds, in the total sum of $21,000.00, with the Commission responsible for a minimum in kind services of $8,400.00.

7. Report of Mr. McGinn, May 13, submitting for approval and

signature Quabbin Park Cemetery Deed No. Q-1691, conveying Southeast 1/2 of Lot No. 1248, to Mr. James N. Orr.
The Commission V O T E D: Approved.
The Secretary submitted for signature Quabbin Park Cemetery Deed No. Q-1691, dated May 23, 1991, which was signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following matters relating to the Recreational Facilities and Programs Division:

1. Report of Ms. Connolly and Mr. Tilas, May 15, recommending that the Commission grant a revocable permit to the Public Theatre, Inc., 1175 Soldiers Field Road, Boston, to sell beer and wine at the theatre site during the 1991 season, subject to certain conditions.
The Commission V O T E D: Approved as recommended by Ms. Connolly and Mr. Tilas in their report of May 15, 1991, subject to the following conditions:
   1. Publick Theatre Inc. shall obtain all the required State and Municipal permits and/or licenses.
   2. Publick Theatre, Inc. shall notify all local establishments (that serve beer and wine) of the Theatre's intention to serve beer and wine at the theatre site; said establishments to be notified prior to representatives of Publick Theatre, Inc. appearing before the Boston Licensing Commission.
   3. The beer and wine shall be offered for sale; (1) only prior to performances and during intermissions; and (2) only to theatre goers.
   4. Publick Theatre, Inc. shall not publicly advertise the fact that beer and wine is being offered for sale. However, credit may be given to donors of the beer and wine (if any) in the program, but the credit is not to be an advertisement for a particular product or donor.
   5. Publick Theatre, Inc. shall give appropriate credit to the Metropolitan District Commission in all advertising of theatre performances.

2. Report of Ms. Connolly and Mr. Tilas, May 16, on bids for Hatch Shell Sound and Lighting, Contract No. P88-1516-M4A.
Account No. 2440-0010-12.
(Ms. Connolly and Mr. Tilas recommend award of the Contract to the low bidder, Bay State EVENTCO, of $10,245.00).
The Commission V O T E D: Held Over for further information.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

3. Report of Messrs. Broderick and Comeau, May 20, submitting for approval and requesting permission to advertise project to Hydro Rake Aquatic Weeds at Houghtons Pond, Milton. Estimated Cost $3,500.00. Time of Performance - the month of July, 1991.
Account No. 2440-7847.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

Action was taken upon the following matter relating to the Central Services Division:

4. Report of Mr. Kerins, May 20, on bids for Pest Control Services at Various MDC Facilities FY/92.
Account No. 2440-0010-JJ.
(Mr. Kerins recommends acceptance of the lowest bid received, that of New Tech Pest Control, Inc., of $44.00 per call for a maximum obligation of $8,000.00).
The Commission V O T E D: to accept the lowest bid received, that of New Tech Pest Control, Inc., of $44.00 per call for a maximum obligation of $8,000.00.

Action was taken upon the following Various Matter:

5. Report of Mr. Wright, May 22, requesting approval and execution of a Contract-Agreement with Dufresne-Henry, Inc., for Mitigation Study for Proposed Water Tower, Canton, Massachusetts, the

Commission approved the Project on May 16, 1991. Estimated Cost - $10,000.00. Completion date no later than June 30, 1991.
The Commission V O T E D: Approved.
The Secretary then submitted for signature the Contract-Agreement, dated May 23, 1991, with Dufresne-Henry, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mr. Cronin, May 17, recommending that the Commission adopt an Order of Taking for acquisition of approximately 20 acres of land owned by Paul J. and Melinda M. Godfrey, located in the Town of Shutesbury, Massachusetts, and to approve an award of damages in the amount of $62,500.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $67,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 20 acres of land owned by Paul J. and Melinda M. Godfrey, located in the Town of Shutesbury, MA.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 23, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Shutesbury in the County of Franklin and Commonwealth of Massachusetts, namely, a parcel bounded:

Beginning at a stake and stones by the westerly side of the County Road to Cooleyville; thence running northwesterly by an old discontinued road at one time called Job Road to a corner at land now or formerly of William B. Stetson; thence running easterly by lands now or formerly of said Stetson and William A. Gray to a corner; thence running southwesterly by land now or formerly of John H. Stetson to said County Road to the first mentioned point or place of beginning; containing twenty acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said roads which may be held by the supposed owners, and being the same premises described in a deed from Michael W. Deliso to Paul J. Godfrey and Melinda M. Godfrey, dated March 21, 1979, and recorded with Franklin County Registry of Deeds in Book 1575, Page 129.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions,

LOCATION OF PROPERTY: COOLEYVILLE ROAD, SHUTESBURY, MASSACHUSETTS

all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Paul J. Godfrey and Melinda M. Godfrey	$ 62,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $62,500.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $67,000.00.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from May 6, 1991 to May 13, 1991.

   Expenditures $1,114,761.69

Adjourned at 12:30 p.m. to meet on Thursday, May 30, 1991 at 10:00 a.m.

William F. Cusack
Secretary

Record of the Three Thousand Five Hundred and Seventieth (3570th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, May 30, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan.

The Records of the Commission Meeting held on May 9, 1991 were read and approved:

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated May 30, 1991, with the Environmental Intern Program, Northeast, for Providing the Services of Interns who will work with Division Staff.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Lenhardt, May 15, recommending approval of an extension of time from August 30, 1991 to July 30, 1992, and an increase in the upset limit in an amount not-to-exceed $31,212.00, on Contract-Agreement No. P84-1276-D2C, with Hoyle, Tanner and Associates, Inc., for Professional Engineering Services for Repairs to Bridges, Parkways and other Facilities of the Metropolitan District Commission.
Associate Commissioner Jones questioned if Messrs. Wright and Baratta had reviewed and agreed with the Division's recommendation on this item.
Messrs. Wright and Baratta both responded and stated that they concur with the recommendation of the Division. They then recommended that the Commission vote to approve the extension of time from August 31, 1991 to July 30, 1992 and further vote to increase the upset limit in an amount not-to-exceed $31,212.00.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Lenhardt in their report of May 15, 1991.

3. Report of Messrs. Faucher and Higgott, April 24, recommending approval of the following requests of Linden Construction, Inc., Contractor on Contract No. P82-1079-C1A, for Repair of Seawalls and Restoration of Pavilions and Bandstand, Revere Beach Reservation -
   1. That the Commission rescind the vote of June 30, 1990, approving Vesco Endeavors as sub-contractor for Carpentry Work, at a cost of $100,000.00.
   2. That the Commission approve Component Home, Inc., as sub-contractor for Carpentry Work, at a cost of $100,000.00.
   3. That the Commission approve W. Howard Associates, Inc., as sub-contractor for Plantings, at a cost of $8,800.00.

At this point, Mr. Higgott responded to the Commission's request of May 23, 1991, for further clarification as to why Linden Construction, Inc., was unable to negotiate a subcontract with Vesco Endeavors. He noted that Vesco Endeavors asked that the subcontract be structured so that they would be paid on a bi-weekly basis for work on the project. He then stated that it is Linden's policy to pay within seven days of receipt of funds from the awarding authority. Due to the fact that acceptable terms could not be reached, Linden is requesting that this subcontractor be replaced with one that is willing to meet terms acceptable to both parties, Mr. Higgott pointed out.
The Commission V O T E D: to rescind its vote of June 30, 1990, approving Vesco Endeavors as sub-contractor for Carpentry Work, at a cost of $100,000.00.
The Commission further V O T E D: to approve Component Home, Inc., as sub-contractor for Carpentry Work, at a cost of $100,000.00.
The Commission further V O T E D: to approve W. Howard Associates, Inc., as sub-contractor for Plantings, at a cost of $8,800.00.

1. Report of Messrs. Faucher and Abounaja, May 20, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise, subject to approval of the Office of Environmental Affairs, Project No. P82-1120-DIA, for Drainage System for Ponkapoag Golf Course, Canton, MA. Estimated Cost $200,000.00. Account No. 2440-9844.
(This project must also receive approval of the Executive Office of Environmental Affairs).
Associate Commissioner Jones stated that he would not vote to spend $200,000.0 for this project if the money could be used to retain employees or re-hire those who have been laid-off. These employees, he noted, are needed to staff Commission facilities during the upcoming summer season.
Mr. Baratta explained that the $200,000.00 earmarked was specifically for this project through a special Bond Issue and, therefore, can not be used to pay employee salaries. He then noted that the Leo J. Martin and Ponkapoag Golf Courses are big revenue producers for the Commission.
At this point, Commissioner Bhatti spoke of the many complaints received concerning the drainage problems at Ponkapoag.
Associate Commissioner Whelan then stated that he needed further information, revenues realized from green fees, what the drainage problems consist of and, what the results will be if the problem is not corrected at this time.
The Commission V O T E D: Held over for further information.

2. Report of Messrs. Faucher and Arinella, May 22, on bids for Installing Cross Connections, Backflow Preventors and Sewer Meter, Charles River Dam, Charlestown, Ma., Contract No. P90-1577-C9A. Account No. 2440-7893.
(Messrs. Faucher and Arinella recommend that the low bid of Patrick J. Kennedy and Sons, of $29,700.00 be rejected, due to failure to submit an update statement as required by bidding statute. Messrs. Faucher and Arinella further recommend award of the Contract to the second low bidder, Raccuia Brothers Plumbing Company, of $29,850.00).
The Commission V O T E D: to accept the second lowest bid, that of Raccuia Brothers Plumbing Company, of $29,850.00.

3. Report of Messrs. Faucher and Carrigan, May 22, on bids for Resurfacing Sections of MDC Parkways, Various Locations, Contract No. P84-1315-C7A. Account No. 2490-8881.
Messrs. Faucher and Carrigan recommend acceptance of the lowest bid received, that of D & R General Contracting, Inc., of $1,497,635.00).
The Commission V O T E D: to accept the lowest bid, that of D & R General Contracting, Inc., of $1,497,635.00.

4. Report of Mr. Faucher and Ms. Graves-Jones, May 23, on bids for Installation of Reflectorized Pavement Markings, Various Locations of the Metropolitan District, Contract No. P91-1607-MIA. Account No. 2444-9001-NN.
Mr. Faucher and Ms. Graves-Jones recommend acceptance of the lowest bid received, that of Traffic Markings, Inc., of $92,750.00).
The Commission V O T E D: to accept the lowest bid, that of Traffic Markings, Inc., of $92,750.00.

5. Report of Messrs. Faucher and Lespasio, May 15, on bids for Repairing/Replacing Bituminous and Cement Concrete Sidewalks Throughout the Metropolitan District, Contract No. P87-1425-C4A. Account No. 2490-8881.
(Messrs. Faucher and Lespasio recommend acceptance of the lowest bid received, that of Boston Building and Bridge Corporation, of $382,260.95).
The Commission V O T E D: to accept the lowest bid, that of Boston Building and Bridge Corporation, of $382,260.95.

6. Report of Messrs. Faucher and McCalla, May 15, on bids for Annual Preventative Maintenance and Repair of Prime Power Generators and Emergency Generators, Various Locations within the Metropolitan District, Contract No. P91-1614-MIA.
Account No. 2440-0010-NN.

(Messrs. Faucher and McCalla recommend acceptance of the lowest bid received, that of FM Emergency Generator, Inc., of $30,400.00).
The Commission V O T E D: to accept the lowest bid, that of FM Emergency Generator, Inc., of $30,400.00.

1. Report of Messrs. Faucher and Abounaja, May 21, recommending approval of the request of the Contractor for an extension of time from May 30, 1991 to July 15, 1991, on Contract No. P88-1542-CIA, with Brightway Corporation for Improvements to Johnson Playground.
The Commission V O T E D: to approve an extension of time, from May 30, 1991 to July 15, 1991, as recommended by Messrs. Faucher and Abounaja in their report of May 21, 1991.

Action was taken upon the following matter relating to the Office of Landscape Architect:

2. Report of Mr. Jackson, May 22, requesting that the Commission amend the following votes concerning Contract No. P89-1561-C3A, 1991 Cherry Tree Planting:

Meeting of May 2, 1991

1. Acceptance of the bid of Holden Nursery - to read - Acceptance of the bid of Popico, Inc., d/b/a Holden Farms Nursery.
2. Approval of a revision in quantities with Holden Nursery - to read - Popico, Inc., d/b/a Holden Farms Nursery.

Meeting of May 9, 1991

1. Approval of Extra Work Order No. 1 with Holden Nursery - to read - Popico, Inc., d/b/a Holden Farms Nursery.

Mr. Jackson stated that the firm is commonly known as Holden Nursery. However, he noted, the corporate name for the business is Popico, Inc. d/b/a Holden Farms Nursery. Therefore, the aforementioned votes must be amended to reflect the proper corporate name.
He then pointed out that the executed contract reflects the corporate name of the firm. He further pointed out that these name changes will not affect in any way the terms and conditions of the executed Contract.
The Commission V O T E D: Approval to amend the votes of May 2, 1991 and May 9, 1991, as aforestated.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

3. Report of Ms. Connolly and Mr. Tilas, May 16, on bids for Hatch Shell Sound and Lighting, Contract No. P88-1516-M4A.
Account No. 2440-0010-12.
(Ms. Connolly and Mr. Tilas recommend award of the Contract to the low bidder, Bay State EVENTCO, of $10,245.00).
Associate Commissioner O'Malley asked if Mr. Tilas is now satisfied that Bay State EVENTCO is capable of providing the services called for under terms of the Contract. Mr. Tilas stated that after a review of Bay State EVENTCO's qualifications and a further check with references, he feels comfortable with the award.
On questioning by Associate Commissioner Jones, Mr. Tilas explained the Contractor will be paid on the basis of assigned work, with the $10,245.00 being the project's upset limit.
Associate Commissioner Jones, speaking of the beauty of the Hatch Shell and adjacent area, asked that Mr. Tilas insure that the Hatch Shell is used to the fullest with appropriate activities. With this in mind, Associate commissioner Jones made a motion, which was seconded and approved, that the upset limit for the Contract be increased to $12,245.00 to fund any additional activities which may be sponsored by the Commission at the Hatch Shell.
The Commission V O T E D: to accept the lowest bid, that of Bay State EVENTCO, of $10,245.00.

Action was taken upon the following matter relating to the Office of Real Property:

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1. Report of Mr. Cronin, May 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 49.37 acres of land owned by Sylvia K. Thompson, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $110,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $115,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987-Open Space Bond).
Associate Commissioner Jones requested that the Real Property Office confer with Mr. Wright regarding the possibility of future development in the Hubbardston area impacting upon the present valuation of the property the MDC wishes to acquire for watershed protection.
On questioning by Associate Commissioner Jones, Mr. Gray explained that any land owner who has not agreed to full settlement in the case of a taking has the opportunity, under the present law, to litigate within three years from the date of the taking.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 49.37 acres of land owned by Sylvia K. Thompson, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 30, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A portion of that certain parcel of land in said Hubbardston situate in that part of Hubbardston known as Williamsville, and on the southerly and westerly side of the Williamsville Road, bounded and described as follows:

Beginning at the southeasterly corner of the premises at a corner of walls in the westerly line of said road at land now or formerly of G. Maznik;
THENCE South 29 1/2 degrees West by the wall and said land of Maznik, seventy-nine (79) feet;
THENCE South 64 1/2 degrees West by the wall, said land of Maznik and land of owners unknown, twenty-six hundred (2,600) feet more or less to the center of Burnshirt River;
THENCE Northerly by the center of said Burnshirt River, eleven hundred eighty (1,180) feet more or less to land now or formerly of DiPooli or DiPaoli;
THENCE North 81 degrees 20' East, one hundred thirty-five (135) feet;
THENCE North 66 degrees 00' East, one hundred twenty-three (123) feet;
THENCE North 57 degrees 20' East, one hundred thirty-four and 5/10 (134.5) feet;
THENCE North 62 degrees 20' East, eighty-seven (87) feet;
THENCE North 71 degrees 30' East, one hundred twenty-two (122) feet;
THENCE North 76 degrees 45' East, one hundred sixty-three (163) feet;

THENCE North 56 degrees 30' East, one hundred seventy-two (172) feet;
THENCE North 64 degrees 00' East by a stone wall, ninety-four (94) feet;
THENCE North 44 degrees 30' East by a stone wall, forty-six (46) feet;
THENCE North 21 degrees 30' East by a stone wall, one hundred twenty-five (125) feet to a corner of walls, the last ten courses being by said land of DiPooli or DiPaoli;
THENCE North 69 degrees 30' East by a stone wall and land now or formerly of Vallee, two hundred eighty-four (284) feet;
THENCE North 00 degrees 30' East by a stone wall and said land of Vallee, thirty-five (35) feet;
THENCE North 60 degrees 30' East by a stone wall and said land of Vallee, three hundred thirty-three (333) feet to the westerly line of said Williamsville Road;
THENCE South 55 degrees 30' East by said road, sixty-five (65) feet;
THENCE South 63 degrees 30' East by said road, one hundred sixty-seven (167) feet;
THENCE South 55 degrees 30' East by said road, three hundred sixteen (316) feet;
THENCE South 34 degrees 00' East by said road, two hundred sixty-five (265) feet;
THENCE South 28 degrees 30' East by said road, two hundred (200) feet;
THENCE South 24 degrees 30' East by said road, one hundred seventeen (117) feet to the point of beginning.

Being that certain parcel shown on a plan entitled "Plan of Land of Lisi Laitinen, Hubbardston, Mass.", dated April 15, 1954, and recorded with Worcester District Registry of Deeds in Plan Book 201, Plan 97, containing 54 acres more or less, and described in a deed from Sidney G. Thompson Jr., et ux, dated February 28, 1964, and recorded with said Deeds in Book 4448, Page 56.

Those portions of the premises excepted from the above-described parcel and excluded from the premises taken hereby, are bounded and described as follows:

Parcel 1: Beginning at a point in the westerly line of Williamsville Road at an iron pipe set four hundred sixteen (416) feet northwesterly to a corner of walls at land now or formerly of G. Maznik;
THENCE South 76 1/2 degrees West partly by a stone wall, three hundred seventy-eight (378) feet to an iron pipe set in said wall;

THENCE North 4 1/4 degrees East three hundred ninety-five (395) feet to a drill hole in a stone wall in the southwesterly line of said Williamsville Road;
THENCE South 55 1/2 degrees East by said wall and road two hundred ninety-eight (298) feet to the end of said wall and an angle in the road;
THENCE South 34 degrees East by said road, one hundred sixty-six (166) feet to the point of beginning.

Being the same premises excepted from that property conveyed by deed of Joseph J. Blodgett et ux, to Sidney G. Thompson, Jr., dated March 9, 1964, and recorded with said Deeds in Book 4448, Page 67, and containing 1.82 acres, more or less.

Parcel 2: Beginning at a gun barrel set at a corner of walls in the westerly line of said Williamsville Road at land now or formerly of G. Maznik;
THENCE South 23 degrees 06' 42" West, seventy-eight and 21/100 (78.21) feet, partly by a stone wall to a gun barrel set at the end of a wall;
THENCE South 57 degrees 30' 37" West, two hundred eighty-six and 27/100 (286.27) feet by a stone wall, to a corner of walls, the last two courses being by said land of Maznik;
THENCE North 31 degrees 25' 37" West, one hundred ninety-three and 68/100 (193.68) feet to the end of a wall;
THENCE North 34 degrees 47' 31" West, seventy-five and 11/100 (75.11) feet, partly by a stone wall;
THENCE North 24 degrees 16' 56" West, sixty-one and 38/100 (61.38) feet to a gun barrel set at an end of a stone wall;
THENCE North 55 degrees 01' 25" East, three hundred thirty-seven and 05/100 (337.05) feet to a gun barrel set in a stone wall and the westerly side of said Williamsville Road, the last four courses being by land now or formerly of Thompson;
THENCE South 33 degrees 42' 21" East, sixty-one and 73/100 (61.73) feet;
THENCE South 32 degrees 13' 47" East, one hundred forty-six and 02/100 (146.02) feet to the end of a wall;
THENCE South 35 degrees 03' 46" East, ninety-two and 25/100 (92.25) feet to the place of beginning, the last three courses being by the westerly line of said Williamsville Road.

Being the same premises conveyed by deed of Sylvia K. Thompson to Sylvia K. Thompson and Lawrence J. Staples, dated May 5, 1986, and recorded with said Deeds in Book 9422, Page 111, containing 2.637 acres, more or less, and shown on a plan entitled "Plan of Lot in Hubbardston", dated April 14, 1986, and recorded with said Deeds in Plan Book 553, Plan 114.

Meaning and intending to take hereby the above premises, containing approximately 49.37 acres, howsoever the same may be bounded and described, and including any and all fee interest in Williamsville Road which may be held by the supposed owner, where said property so taken abuts said road.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sylvia K. Thompson	$ 110,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $110,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $115,000.00.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from May 13, 1991 to May 20, 1991.

Expenditures $1,213,716.47

Adjourned at 12:30 p.m. to meet on Thursday, June 6, 1991 at 10:00 a.m.

William F. Cherry
Secretary

Record of the Three Thousand Five Hundred and Seventy First (3571st) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 6, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones and O'Malley.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Contract-Agreement No. P87-1449-M3A, dated June 6, 1991, with Aquatec of Massachusetts, for Water Quality Testing of MDC Recreational Waters.

2. Contract-Agreement, dated June 6, 1991, with Thomas F. McKenna, Esquire, for Professional Services Representing the MDC in Employee and Labor Matters Including Hearings Before the Civil Service Commission, Administrative Bodies and Courts of the Commonwealth and Further Services as the General Counsel Deems Essential.

3. Contract, dated June 6, 1991, with Bay State EVENTCO, for Hatch Shell Sound and Lighting.

4. Contract No. P84-1276-C1B, dated June 6, 1991, with R. Zoppo Co., Inc., for Bridge Deck Resurfacing of the John F. Gilmore Bridge, Boston and Cambridge.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Abounaja, May 20, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise subject to approval of the Office of Environmental Affairs Project No. P82-1120-D1A, for Drainage System for Ponkapoag Golf Course, Canton, MA. Estimated Cost $200,000.00. Account No. 2440-9844.
(This project must also receive approval of the Executive Office of Environmental Affairs).
Mr. Baratta presented a brief history of the flooding problem at Ponkapoag Golf Course. He noted that a study of the problem was conducted in the late-1970's by golf course architects and at that time only four or five holes suffered from flooding. The architects, he explained, recommended that a firm with experience in golf course drainage and design be hired to determine what course of action should be taken to correct the problem. No action was taken on the recommendations of the architects and today close to 17 of 36 holes are heavily flooded during and after rainstorms, he explained.
Associate Commissioner Jones spoke of other problems which might occur as a result of the project such as flooding of other areas in the drainage basin.
Associate Commissioner O'Malley questioned if expenditures from the Bond Issue for this project could be used for other work at Ponkapoag. Mr. Baratta responded that the funds are limited to correcting the flooding problem.
Associate Commissioner Jones then asked that Mr. Baratta prepare a document outlining, in detail, the rationale used by the Division in recommending this project to the Commission for approval. In addition, he asked that the Study also include the affected drainage basin to insure that the project does not cause further flooding problems down stream of Ponkapoag Golf Course.
At this point, Associate Commissioner O'Malley and Jones spoke of the importance of keeping Ponkapoag in good condition as it permits those individuals who cannot afford to play expensive courses with an opportunity to participate in the sport.
Associate Commissioner Jones then asked that the background information on this item be revised to more accurately reflect the reasons for recommending this project to the Commission for approval.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise once approval is received from the Executive Office of Environmental Affairs.

1. Report of Messrs. Faucher and Abounaja, May 28, recommending approval of Extra Work Order No. 3 - installation of key lock in the equipment vault, at a cost of $452.97 and additional work on the back stop, at a cost of $399.70, on Contract No. P88-1542-C1A, with The Brightway Corporation, for Improvements to Johnson Playground. Account No. 2440-8887.
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $852.67.

2. Report of Messrs. Faucher and Mayhew, May 25, recommending approval of Alteration No. 1 - to furnish and install plastic coated line posts in concrete bases; to install existing chain link fencing, rail and fittings and to furnish and install additional required rails, fitting and bottom tension cable, in the amount of $17,715.00, on Contract No. P91-1594-C1A, with Ernest Minelli, Inc., for Slope Protection Repairs, Pleasure Bay Causeway and Castle Island Park, South Boston.
Account No. 2448-0000.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Mayhew in their report of May 25, 1991.

3. Report of Messrs. Faucher and Mayhew, May 25, recommending approval of the request of A. W. Paine Construction Corporation, Contractor on Contract No. P91-1606-C1A, for Roofing and Gutter Repairs, Dorothy Quincy Homestead, Quincy, Massachusetts, to engage the services of Roberts Roofing, as sub-contractor for Section 7 - Roofing, Flashing and Installation of Wood Shingles, at a cost of $24,000.00.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Kirwin, May 29, recommending approval of a revision in quantities on the following items on Contract No. P89-1550-M1A, with New England Traffic Signals, Inc., for Servicing Traffic Signal and Control Systems, Middlesex Fells and Revere Beach Districts -

Item No. 004-020	**$2,490.25**
Labor Rate for Licensed Electrician (Serviceman)	
Item No. 004-030	**$3,115.00**
Labor Rate for Helper for Miscellaneous Repairs	
Item No. 012-010	**$ 958.33**
Communication System and Clerical Work	
Item No. 013-010	**$ 208.33**
Storage Room and Engineer's Office	
Item No. 014-009	**$ 99.20**
Traffic Signal Cable - 9 Conductor	
Item No. 015-010	**$ 44.60**
Traffic Signal Wire - T.F.F. #18	
Item No. 017-010	**$ 207.00**
Detector Lead-In Cable	
Total of	**$7,122.71**

(At no additional cost as there are sufficient unused quantities in other items which will offset the increases).
The Commission V O T E D: Approved.

5. Report of Messrs. Faucher and Higgott, May 23, recommending approval of Amendment No. 3, for additional design work for solutions to unforeseen field conditions, as follows:

McGinley, Hart and Associates	-	$19,162.00
Childs Engineering, Inc.	-	$18,134.00
Zaldastani	-	$ 4,500.00
Sub-Total	-	$41,796.00
Ripman Lighting	-	$ 2,600.00
Total	-	$44,396.00

on Contract No. P82-1079-D1C, with McGinley, Hart and Associates, for Repair of Seawall and Restoration of Pavilions and Bandstand, Revere Beach Reservation.
Account No. 2440-8881.
The Commission V O T E D: Approved.

Action was taken upon the following matter relating to the Central Service Division:

6. Report of Mr. Kerins, May 22, on bids for Voice Pager Services

for the period of July 1, 1991 through June 30, 1993.
Account No. 2440-0010-L1.
(Mr. Kerins recommends that the bid of Paging Network of Massachusetts, of $5.95 per month/per pager be rejected, due to failure to meet specifications required by the Division. Mr. Kerins further recommends award of the service to Ram Communications with a bid of $9.00 per month/per pager).
Associate Commissioner Jones asked that the Secretary obtain a written statement from Mr. Kerins outlining what the specifications were that Ram Communications failed to meet.
The Commission V O T E D: to reject the bid of Paging Network of Massachusetts, of $5.95 per month/per pager due to failure to meet specifications required by the Division.
The Commission further V O T E D: to award the service to Ram Communications with a bid of $9.00 per month/per pager, as recommended by Mr. Kerins in his report of May 22, 1991.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Cronin, May 31, recommending that the Commission adopt an Order of Taking for acquisition of approximately 50 acres of land owned by Douglas M. Rawan, Trustee of Cross Street Realty Trust of Boylston, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $294,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Section 6, 12 and 39, not to exceed the amount of $301,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
On questioning by Associate Commissioner Jones, Mr. Cronin noted that this taking award was based upon two appraisals in accordance with EOEA guidelines which require two appraisals when the property is estimated to be worth more than $75,000.00.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 50 acres of land owned by Douglas M. Rawan, Trustee of Cross Street Realty Trust of Boylston, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain tract of land situated in said Boylston, bounded and described as follows:

BEGINNING at the intersection of the westerly line of the road leading from Northboro to Clinton and the northerly line of the road leading from Boylston to Berlin;
THENCE southwesterly by said northerly line about 27 1/2 rods to a point at land now or formerly of Wright;
THENCE N. 36 degrees W. 30 rods by said Wright land to a point;
THENCE S. 73 degrees W. 66 rods and 24 links by said Wright land to a point;
THENCE N. 6 degrees 15' E. 82 rods by land now or formerly of Fitzgerald to a point;
THENCE N. 80 degrees 45' E. 5 rods to an oak tree;
THENCE N. 53 degrees E. 58 rods by land now or formerly of Hastings to a point;
THENCE S. 24 degrees 18' E. 48 rods and 5 links by land now or formerly of Brewer to a point;
THENCE S. 88 degrees E. 43 1/2 rods to a point;
THENCE S. 85 degrees 45' E. 13 rods and 4 links to the westerly side of said road from Northboro to Clinton;
THENCE southwesterly by said westerly line about 35 1/4 rods to a point;
THENCE continuing by said westerly line 33 rods to the point of beginning.

LOCATION OF PROPERTY: CROSS STREET, BOYLSTON, MA.

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EXCEPTING from the above premises that land as described either by reference or description within the following instruments or plans:

1. The premises described in a deed from John J. Moore, et ux, to Gladys E. Moore, dated March 10, 1954 and recorded with the Worcester District Registry of Deeds in Book 3574, Page 32;
2. The premises described in a deed from John J. Moore, et ux, to Florence Niedberger, dated March 9, 1940, and recorded with said Deeds in Book 2768, Page 586;
3. The premises described in a deed from John J. Moore, et ux, to Gladys E. Moore, dated May 15, 1959, and recorded with said deeds in Book 4024, Page 136;
4. The premises described in a deed from John J. Moore, et ux, to Jack H. Berry, et ux, dated September 2, 1961, and recorded with said deeds in Book 4230, Page 583;
5. The premises described in a deed from John J. Moore, et ux, to Norman Oliver, dated October 30, 1961, and recorded with said Deeds in Book 4237, Page 403;
6. The premises shown collectively as Lots 1 and 2 on a plan dated December 26, 1961, and recorded with said Deeds as Plan 121 in Plan Book 260;
7. The premises shown on a plan dated December 10, 1963, and recorded with said Deeds as Plan 88 in Plan Book 277; and
8. The premises described in a deed from Helen E. Lawrence to Dennis G. Morrissey and Kathleen Morrissey, dated August 5, 1985, and recorded with said Deeds in Book 8856, Page 287.

Meaning and intending to take hereby the above premises, containing approximately 50 acres, howsoever the same may be bounded and described, and including any and all fee interest in the above referenced roads which may be held by the supposed owner, and being the same premises described in a deed from Helen E. Lawrence to Douglas M. Rawan, Trustee of Cross Street Realty Trust of Boylston, under a declaration of trust dated January 8, 1988, and recorded with said Deeds in Book 11294, Page 267, said deed dated January 8, 1988, and recorded with said Deeds in Book 11294, Page 277.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of

Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Douglas M. Rawan, Trustee of Cross Street Realty Trust of Boylston	$ 294,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $294,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Section 6, 12 and 39, not to exceed the amount of $301,000.00.

1. Report of Mr. Cronin, May 31, recommending that the Commission adopt an Order of Taking for acquisition of approximately 22.96 acres of land owned by Robert G. Hatstat and Mary Ann Hatstat, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $23,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $23,900.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 22.96 acres of land owned by Robert G. Hatstat and Mary Ann Hatstat, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Rutland (Worcester County) MA - Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, P.C., dated June 18, 1990, and revised March 11, 1991, which plan shall be recorded with this order in the Worcester District Registry of Deeds and made a part of this order, namely:

A certain parcel of land situated in said Town of Rutland, lying about 860 feet easterly of a way known as Intervale Road and more particularly bounded and described as follows:

Beginning at an angle iron set at the westerly corner of the parcel described herein, thence
the following four courses along land of Robert G. and Mary Ann Hatstat,
N. 69 degrees 18' 05" E. a distance of 417.18 feet to a concrete bound; thence
N. 21 degrees 00' 50" E. a distance of 423.60 feet to a concrete bound; thence
N. 13 degrees 02' 08" E. a distance of 473.61 feet to a concrete bound; thence
N. 19 degrees 43' 59" E. a distance of 274.23 feet to a drill hole set in a stone wall; thence
the following three courses along land of the Commonwealth of Massachusetts,
S. 77 degrees 06' 20" E. a distance of 155.57 feet to a point at the intersection of stone walls; thence

S. 22 degrees 33' 43" E. a distance of 450.99 feet to a point at the southerly end of a stone wall; thence
S. 22 degrees 33' 43" E. a distance of 24 feet, more or less, to a point in the center of the Ware River; thence southerly along the Ware River partly by land of the Commonwealth and partly by land now or formerly of Delos M. and Carol L. Hilton, 2022 feet, more or less, to a point; thence
the following two courses along land of the Commonwealth,
N. 21 degrees 04' 35" W. a distance of 152 feet, more or less, to a drill hole in a wall, said drill hole being
S. 34 degrees 40' 47" W. a distance of 1540.13 feet from the last mentioned stone wall; thence
N. 22 degrees 38' 38" W. a distance of 493.32 feet to the point of beginning.

Containing approximately 22.96 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the property described in a deed from Carolyn E. Evans, et al, dated September 12, 1980, and recorded with Worcester District Registry of Deeds in Book 8397, Page 344.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Robert G. Hatstat and Mary Ann Hatstat	$ 23,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $23,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $23,900.00.

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1. Report of Mr. Cronin, May 31, recommending that the Commission adopt an Order of Taking for acquisition of approximately 29.77 acres of land owned by Sterling Heights Builders, Inc., located in th Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $190,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $195,500.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 29.77 acres of land owned by Sterling Heights Builders, Inc., located in th Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated on the northerly side of Holden Road in said Sterling, being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Holden Road at the corner of Lot 7 on a plan of land dated April 26, 1972, and recorded with the Worcester District Registry in Deeds as Plan 82 in Plan Book 363, thence running

S. 39 degrees 50' 20" W. 42.16 feet by said Holden Road to a point; thence
N. 31 degrees 45' 20" W. 303.69 feet by Lot 6 on said plan to a point; thence
S. 39 degrees 50' 30" W. 573.42 feet by Lots 6, 5 and 4 on said plan to a point; thence
S. 31 degrees 45' 20" E. 303.69 feet by Lot 4 on said plan to a point on Holden Road; thence
S. 39 degrees 50' 20" W. 42.16 feet by said Holden Road to a point; thence
N. 31 degrees 45' 20" W. 303.69 feet along Lot 3 on said plan to a point; thence
S. 39 degrees 50' 30" W. 188 feet by said Lot 3 to a point; thence
N. 31 degrees 45' 20" W. 174.85 feet by land now or formerly of Tracy to a point; thence
S. 58 degrees 14' 40" W. 286.87 feet by said land of Tracy to a point; thence

N. 71 degrees 27' 55" W. 549.28 feet by land now or formerly of Brown to a point; thence
N. 04 degrees 50' 50" E. 309.95 feet to a pile of stones; thence
N. 60 degrees 14' 40" E. 276.75 feet to a point; thence
N. 60 degrees 59' 40" E. 331.64 feet to a point; thence
N. 61 degrees 14' 40" E. 567.60 feet to a point; thence
N. 28 degrees 40' 20" W. 825.16 feet to a point; thence
N. 60 degrees 59' 40" E. 412.50 feet to a point; thence
S. 28 degrees 40' 20" E. 826.96 feet to a point, the last seven courses being by land now or formerly of the Town of Sterling Conservation Department; thence
S. 31 degrees 45' 20" E. 135.09 feet by land now or formerly of Magdis to a point; thence
S. 39 degrees 50' 20" W. 348.99 feet by said land of Magdis to a point; thence
S. 31 degrees 45' 20" E. 560.74 feet by said land of Magdis and said Lot 7 as shown on said plan to the point of beginning.

Containing 29.77 acres, more or less, and being a portion of the parcel shown on said plan as containing 32.779 acres, more or less, excluding from said parcel of 32.779 acres the premises described in a deed from W.R. Sanders Company, Inc., to Duane Tracy, dated May 17, 1976, and recorded with said Deeds in Book 5954, Page 381, and the premises described in a deed from W.R. Sanders Company, Inc., to Richard J. Magdis, et ux, dated November 1, 1977, and recorded with said Deeds in Book 6330, Page 107.

Also included in the premises taken hereby, are the easements for street purposes as shown on said plan, and more particularly bounded and described as follows:

Easement 1:

Beginning at a point at said Holden Road and land now or formerly of Downey, on a curve to the right having a radius of 20 feet and an arc length of 37.84 feet by said land of Downey to a point; thence S. 31 degrees 45' 20" E. 27.73 feet by land formerly of said W.R. Sanders Company, Inc., to a point at said Holden Road; thence N. 39 degrees 50' 20" E. 27.73 feet by said Holden Road to the point of beginning, and containing 176 square feet, more or less.

Easement 2:

Beginning at a point at said Holden Road and at land now or formerly of Swayze, on a curve to the left having a radius of 30 feet and an arc length of 37.49 feet by said land of Swayze to a point; thence S. 31 degrees 45' 20" E. 21.63 feet by land formerly of said W.R. Sanders Company, Inc., to a point at said Holden Road; thence S. 39 degrees 50' 20" W. 21.63 feet by said Holden Road to the point of beginning, and containing 87 square feet, more or less.

Easement 3:

Beginning at a point at said Holden Road and at land now or formerly of O'Connor, on a curve to the right having a radius of 20 feet and an arc length of 37.84 feet by said land of O'Connor to a point; thence S. 31 degrees 45' 20" E. 27.73 feet by land formerly of W.R. Sanders Company, Inc., to a point at said Holden Road; thence N. 39 degrees 50' 20" E. 27.73 feet by said Holden Road to the point of beginning, and containing 176 square feet, more or less.

Easement 4:

Beginning at a point at said Holden Road and at land now or formerly Hehir, on a curve to the left having a radius of 30 feet and an arc length of 37.49 feet by said land of Hehir to a point; thence S. 31 degrees 45' 20" E. 21.63 feet by land formerly of W.R. Sanders Company, Inc., to a point at said Holden Road; thence S. 39 degrees 50' 20" W. 21.64 feet by said Holden Road to the point of beginning, and containing 87 square feet, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said Holden Road which may be held by the supposed owner, and being the same premises described in a deed from W.R. Sanders Company, Inc., to Sterling Heights Builders, Inc., dated December 13, 1977, and recorded with said Deeds in Book 6363, Page 201.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, except for the easements held by the supposed owner and referred to in the above description of said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$ 190,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $190,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $195,500.00.

1. Report of Mr. Cronin, May 31, recommending that the Commission adopt an Order of Taking for acquisition of approximamtely 12.25 acres of land owned by Norman P. Arsenault, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $32,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $32,900.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximamtely 12.25 acres of land owned by Norman P. Arsenault, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Sterling, more particularly bounded and described as follows:

BEGINNING at the most southwesterly corner at a stone monument at land of the Commonwealth of Massachusetts; thence running

N. 11 degrees 45' E. 767 feet by land of said Commonwealth to a stone monument; thence deflecting to the right and running

N. 82 degrees 10' E. 169.9 feet by land of said Commonwealth to a stone monument at land now or formerly of the Hosmer heirs; thence deflecting to the left and running

N. 80 degrees 37' E. 401.6 feet by land of said Hosmer heirs to a stake and stones at land now or formerly of John M. Cristensen; thence deflecting to the right and running

S. 07 degrees 53' E. 307.4 feet by land of said Cristensen to a stake and stones at land of said Cristensen; thence deflecting to the left and running

S. 10 degrees 51' E. 476.32 feet by land of said Cristensen to a stake and stones at land of said Cristensen; thence deflecting to the right and running

LOCATION OF PROPERTY: OFF BEAN ROAD, STERLING, MA.

S. 85 degrees 54' W. 854.15 feet by land of said Cristensen to the stone monument at the place of beginning.

Containing about 12 1/4 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Charles E. Barry, et ux, to Norman P. Arsenault, dated June 16, 1975, and recorded with the Worcester District Registry of Deeds in Book 5736, Page 53.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Norman P. Arsenault	$ 32,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $32,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $32,900.00.

1. Report of Mr. Cronin, May 31, recommending that the Commission adopt an Order of Taking for acquisition of approximately 42 acres of land owned by Mount Grace Land Conservation Trust, Inc., located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $149,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $152,100.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: adopt an Order of Taking for acquisition of approximately 42 acres of land owned by Mount Grace Land Conservation Trust, Inc., located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 6, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem, in the County of Franklin and Commonwealth of Massachusetts, namely:

LOCATION OF PROPERTY: RUSSELL ROAD, NEW SALEM, MA.

Parcel 1.

A certain parcel of land in New Salem situated on both the northerly and southerly sides of the road leading from New Salem to Puppyville, said road being known as Russell Road, bounded and described as follows:

BEGINNING at the most northerly corner of said parcel, on the southerly side of the West Road leading from New Salem to Puppyville, at a corner of the wall between the West Mowing Lot and the timberland;
THENCE southerly by said wall along land formerly of Hackett and now of the Commonwealth of Massachusetts, 810 feet, more or less, to the southwest corner of said West Mowing Lot;
THENCE easterly by said wall along said land of the Commonwealth, 590 feet, more or less, to the northwest corner of the South Mowing Lot;
THENCE southerly by the stone wall on the west side of said South Mowing Lot along said land of the Commonwealth, 816 feet, more or less, to land now or formerly of Freeman;
THENCE easterly along said land of Freeman, and along land now or formerly of Merrill, 286 feet, more or less, to the brook running into Puppyville Pond, known as Hop Brook;

THENCE northerly by said brook along land now or formerly of said Hackett, 775 feet, more or less, to the road leading from New Salem to Puppyville;
THENCE across said road northerly, westerly and southerly by said brook and offshoot thereof along land now or formerly of Weatherby, 2,200 feet, more or less, to said road leading from New Salem to Puppyville;
THENCE southerly across said road and northerly along the southerly side thereof, 100 feet, more or less, to the place of beginning.

Containing approximately 42 acres.

Parcel 2.

A certain parcel of land in the southerly part of said New Salem, on the easterly side of the road leading from New Salem Depot to New Salem Hill (known as Russell Road, a public way, also known as Puppyville Road), known as the Bemis Lot, and bounded northerly by land now or formerly of Paige, easterly and southerly by land now or formerly of F.M. West Box Company, and westerly by said Road.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in the above referenced roads which may be held by the supposed owner, and being the same premises described in a deed from Stephen R. Sterbinsky et ux, to Mount Grace Land Conservation Trust, Inc., dated August 29, 1990, and recorded with Franklin County Registry of Deeds in Book 2468, Page 24.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Mount Grace Land Conservation Trust, Inc.	$ 149,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $149,000.00 and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $152,100.00.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from May 20, 1991 to May 27, 1991.

   Expenditures $321,470.05

Adjourned at 12:05 p.m. to meet on Thursday, June 13, 1991 at 10:00 a.m.

Secretary

Record of the Three Thousand Five Hundred and Seventy Second (3572nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 13, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Jones, O'Malley and Whelan.

The Records of the Commission Meeting held on May 16, 1991 were read and approved:

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Abounaja, May 23, recommending approval of Extra Work Order No. 4, in the amount of $1,304.85, for Furnishing and Installing Gate Valve Boxes and Covers, on Contract No. P88-1542-C1A, with Brightway Corporation, for Improvements to Johnson Playground. Account No. 2440-8887.
The Commission V O T E D: to approve Extra Work Order No. 4, in the amount of $1,304.85.

2. Report of Messrs. Faucher and Abounaja, June 4, recommending approval of a revision in quantities on the following items on Contract No. P89-1556-C1A, with John Mahoney Construction Co., Inc./Whittier Equipment Corporation, for Old Harbor Park, Dorchester Shores Reservation.

Item No. 011-030 -	Granite Setts at Main Entry Tree Wells	- $ 740.00
Item No. 015-020 -	Curved Granite Walkway Curb	- $12,100.00
	Total Increase	- $12,840.00

(At no additional Contract cost as there are sufficient unused quantities in other items which will offset the increases).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Abounaja in their report of June 4, 1991.

3. Report of Messrs. Faucher and Abounaja, June 7, recommending approval of the request of John Mahoney Construction Co., Inc./ Whittier Equipment Corporation, Contractor on Contract No. P89-1556-C1A, for Old Harbor Park, Dorchester Shores Reservation, to engage the services of New England Irrigation Division of Schumacher Landscaping, Inc., as sub-contractor for Item No. 022-010 - Landscape Irrigation System, at a cost of $32,500.00.
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Mayhew, June 6, submitting for approval Project Summary, Work Schedule and Project Justification and requesting permission to advertise Project No. P91-1598-C1A, Rehabilitation of the Sanitary Building, Castle Island, South Boston. Estimated Cost $150,000.00. Account No. 2440-8885.
The Commission V O T E D: Approved.
The Commission further V O T E D: Permission to advertise.

5. Report of Messrs. Faucher and Mayhew, June 5, recommending approval of the request of Bay State Construction Co., Inc., Contractor on Contract No. P86-1393-C3A, Rehabilitation of the Rev. Romano Simoni Ice Skating Rink, Cambridge and Louis E. Porazzo Ice Skating Rink, East Boston, for an extension of time from December 15, 1990 to November 1, 1991, in order to replace all of the rink piping U-Bends embedded in concrete in both skating rinks.
(At no additional cost to the Commission).
Associate Commissioner Whelan noted that leaks in the U-Bends were not the result of defective piping, but resulted from excessive tightening of clamps by the contractor, according to report of MDC Engineering. He then questioned how long a guarantee the Commission will receive for the entire project.
Mr. Baratta stated that the guarantee will be for a one year period from the date of final acceptance of the project. He then noted that sufficient funds are being retained by the Commission until such time as the repairs to the U-Bends have been completed to the satisfaction of the Division.
On questioning by Associate Commissioner Whelan, Mr. Baratta stated that he was confident that the project, including

refrigeration start-up at both facilities, will be completed no later than November 1, 1991.
The Commission V O T E D: to approve an extension of time, from December 15, 1990 to November 1, 1991, as recommended by Messrs. Faucher and Mayhew in their report of June 5, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Brooks, June 7, recommending approval of Extra Work Order No. 2, in the amount of $904.00, to turn three recently installed benches 180 degrees to face toward the water, also requesting that the Commission ratify the Division's action relative to this matter, on Contract No. P88-1549-C1A, with Mass Site Developers, for Construction of River Street Park, Wellesley. Account No. 2449-7350.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $904.00.

2. Report of Messrs. Faucher and Griffin, June 6, recommending approval of the request of the Contractor for an extension of time from June 15, 1991 to July 15, 1991, on Contract No. P88-1546-C2A, with C. J. Mabardy, Inc., for Alewife Brook Clean-Up Phase II, due to field conditions caused by inclement weather.
The Commission V O T E D: to approve an extension of time from June 15, 1991 to July 15, 1991, as recommended by Messrs. Faucher and Griffin in their report of June 6, 1991, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and Terzian, May 21, recommending approval of an increase in scope to include an Emergency Action Plan, at a cost not-to-exceed $25,000.00, on Contract-Agreement No. P82-0A04-D1A, with Metcalf & Eddy, for United Waste Company Dam. Account No. 2440-7879.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Terzian in their report of May 21, 1991.
On motion of Associate Commissioner Jones, which was seconded and approved, the Commission further V O T E D: that until further notice this dam is to be known as the Mother Brook Dam.

Action was taken upon the following matter relating to the Watershed Management Division:

4. Report of Messrs. McGinn and O'Connor, June 7, requesting authorization for Commissioner Bhatti to execute an Inter-Agency Agreement with the University of Massachusetts (U of M), for Digitization of Quabbin Reservoir Forest Plan Overlay Maps. As compensation, the MDC will permit the U of M School of Forestry to remove 100 cords of firewood from Quabbin Reservation for their employee firewood sale program (approximate value of $2,500.00). (The approximate value of the digitization work is $5-6,000.00).
Mr. O'Connor explained that the Watershed Management Division is currently producing a forest and wildlife management plan for the Commission's land holdings at Quabbin Reservation. He noted that the Inter-Agency Agreement will provide the Commission with a means to analyze all wildlife and management information.
Upon questioning by Associate Commissioner Jones, Mr. O'Connor explained that Mr. Hazelton of the Commission's Management Information Systems Office is knowledgeable in the operation of digitization computer mapping. Associate Commissioner Jones then expressed concern that only one MDC employee will be capable of operating the system. He suggested that the University of Massachusetts be asked to train several Watershed Management Division employees in operating the system as part of the Inter-Agency Agreement.
Associate Commissioner O'Malley noted that this training is not the responsibility of the University of Massachusetts, but could be conducted by the Executive Office of Environmental Affairs Computer Mapping Office (EOEA).

Associate Commissioner Jones then requested that the Watershed Management Division investigate the possibility of having several employees attend a EOEA digitization training class. He further suggested that Mr. Baratta also assign at least one person from the Technical Services Division to attend the training class.
The Commission V O T E D: to authorize Commissioner Bhatti to execute an Inter-Agency Agreement with the University of Massachusetts (U of M), for Digitization of Quabbin Reservoir Forest Plan Overlay Maps.
The Commission further V O T E D: to permit the U of M School of Forestry to remove 100 cords of firewood from Quabbin Reservation for their employee firewood sale program (approximate value of $2,500.00), as compensation for Digitization of Quabbin Reservoir Forest Plan Overlay Maps.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, June 4, requesting approval of the request of the Department of the Attorney General for an increase in the upset limit from $65,000.00 to $103,093.00, on Contract-Agreement with I.E.P., Inc., for Expert Litigation Support and Consultation for the Department of the Attorney General, with regards to the Brimmer Chambers Condominium Trust, et al vs. the Metropolitan District Commission, Civil Action. Account No. 2441-9886.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of June 4, 1991.

2. Report of Mr. Jewett, June 5, requesting approval of the request of the Department of the Attorney General for an increase in compensation from $24,900.00 to $36,900.00 and an extension of time from June 30, 1991 to June 30, 1992 on Contract-Agreement with John F. Shea, for Professional Services for the Department of the Attorney General with regards to the Brimmer Chambers Condominium Trust, et al vs. the Metropolitan District Commission, Civil Action. Account No. 2441-9886.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of June 5, 1991.

3. Report of Messrs. Morris, Chisholm and Wright, June 7, submitting for Commission approval proposed Rules and Regulations for the Southwest Corridor Park.
At this point, Mr. Morris stated that pursuant to the provisions of General Laws, Chapter 92, Section 37, and in accordance with General Laws, Chapter 30A, and after a notice of Public Hearing in regards to establishing new "Rules and Regulations for the Government and Use of the Southwest Corridor Park", which were published in the Jamaica Plain Citizen, the South End New, the Bay State Banner and the Boston Globe during the week of April 21, 1991, a Public Hearing was held in the Marilyn Morrison Commission Meeting Room, 20 Somerset Street, Boston, Massachusetts, on May 20, 1991.
On questioning by Associate Commissioner Jones, Mr. Morris explained that the Rules and Regulations have had considerable review by the community, the M.D.C. Police and various Divisions with the Agency. In addition, he noted, a Public Hearing was held within the prescribed time frame, at which time interested parties were offered an opportunity to provide additional input. Following the Public Hearing, comments made were considered and incorporated into the Rules and Regulations where appropriate, Mr. Morris stated.
Associate Commissioner Jones asked if the Rules and Regulations can be enforced by City of Boston Police and other Departments in the adjacent area. Mr. Morris explained that he was not sure. However, he stated, he would confer with Legal Counsel to see if concurrent jurisdiction exists. If it is found that other Police Departments can enforce the Rules and Regulations, Associate Commissioner Jones asked that it be so noted on all posted Rules and Regulations.
The Commission V O T E D: to give final approval to the Rules and Regulations for the Southwest Corridor Park and adopt them as official Rules and Regulations of the Commission, pursuant to MGL, Chapter 92, Section 37 and such other laws that may apply.
The Commission then directed the Secretary of the Commission to

take such administrative steps that are required to complete promulgation of the Rules and Regulations for the Southwest Corridor Park.

1. Report of Messrs. Wright and Jewett, June 7, recommending that the Commission declare that land identified on MDC Park Engineering Division Plan, accession number 39738 (parcel is located along Storrow Drive and westerly of Charles Street in the Charles Circle area and is directly opposite the Massachusetts Eye and Ear Infirmary), temporarily surplus to this Agency's needs. This recommended action is in accordance with Chapter 300 of the Acts of 1989 and Chapter 579 of the Acts of 1980.
It is further recommended that the Commission authorize the General Counsel and Contract Administrator to continue negotiations and procedure required to bring the new lease to fruition.
The Commission V O T E D: to declare that land identified on MDC Park Engineering Division Plan, accession number 39738 (parcel is located along Storrow Drive and westerly of Charles Street in the Charles Circle area and is directly opposite the Massachusetts Eye and Ear Infirmary), temporarily surplus to this Agency's needs, in accordance with Chapter 300 of the Acts of 1989 and Chapter 579 of the Acts of 1980.
The Commission further V O T E D: to authorize the General Counsel and Contract Administrator to continue negotiations and procedure required to bring the new lease to fruition.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from May 27, 1991 to June 3, 1991.

Expenditures $469,425.35

Adjourned at 12:40 p.m. to meet on Thursday, June 20, 1991 at 11:00 a.m.

William F. Weld
Secretary

Record of the Three Thousand Five Hundred and Seventy Third (3573rd) meeting of the Metropolitan District Commission duly called and held at the Quabbin Reservoir Administration Building, Belchertown, Massachusetts, on Thursday, June 20, 1991 at 11:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Elkort, O'Malley and Whelan.

The Records of the Commission Meetings held on May 23, 1991 and May 30, 1991 were read and approved:

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

R E S O L U T I O N

1. RESOLVED: That the Metropolitan District Commission, assembled in its Meeting held on June 20, 1991, does hereby take notice of the impending retirement of Dr. John E. Delaney, Director of Laboratories for the Department of Environmental Protection, following 49 years of conscientious and dedicated service to the residents of the Commonwealth of Massachusetts and for the outstanding contribution he has made towards improvements to the Commission's bacteriological programs including assistance in Certification of the Quabbin and Wachusett Water Quality Laboratories; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to him their cordial best wishes that the years of his retirement may be many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of the Meeting; and that the Secretary prepare a suitably inscribed copy of the Resolution for presentation to Dr. Delaney.

The Secretary then submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement, dated June 20, 1991, with Revet Environmental and Analytical Laboratories, for Laboratory Services.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and O'Connor, June 13, submitting for preliminary approval, proposed rules and regulations for Controlled Deer Hunt at Quabbin Reservation.
The Commission V O T E D: Preliminary approval.

3. Report of Mr. McGinn, June 14, recommending denial of the request of the Town of Southboro for permission to use the surface aqueduct from Parkersville Road to the waterfall on Middle Road for racing rubber ducks, as a fund raiser, on October 12, 1991.
The Commission V O T E D: to deny the request of the Town of Southboro for permission to use the surface aqueduct from Parkersville Road to the waterfall on Middle Road for racing rubber ducks, as a fund raiser, on October 12, 1991, as recommended by Mr. McGinn in his report of June 14, 1991.

Action was taken upon the following matter relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Mayhew, June 12, recommending approval of Extra Work Order No. 1, in the amount of $24,500.00, to prepare and paint the Dorothy Quincy Homestead, Quincy, Massachusetts, on Contract No. P91-1606-C1A, with A. W. Paine Construction Corp., for Roofing and Gutter Repairs at the Dorothy Quincy Homestead, Quincy, Massachusetts. Account No. 2440-8885.
The Commission V O T E D: Held Over.

Action was taken upon the following Various Matters:

5. Report of Mr. Jewett, June 14, recommending selection of Joslin,

Lesser & Associates, for Facilities Inventory and Assessment - Franklin Park Zoo. Estimated Cost $49,780.00. Time for Performance will be ninety days from Notice to Proceed.
Account No. 2449-7373.
The Commission V O T E D: Approved.

1. Report of Mr. Jewett, June 14, recommending selection of Anderson Nichols & Company, for Facilities Inventory and Assessment - Walter D. Stone Zoo. Estimated Cost $40,625.00. Time for Performance will be ninety days from Notice to Proceed.
Account No. 2443-7880.
The Commission V O T E D: Approved.

2. Report of Mr. Jewett, June 14, recommending selection of Merrimack Engineering Services, Inc., for Charles River Restoration - Land Surveying Services. Fee will be a not-to-exceed amount of $19,300.00. Time for Performance will be thirty days from the Notice to Proceed.
Account No. 2449-7350.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 17 acres of land owned by James S. Aaron and Abner W. Briggs, his heirs, successors and assigns, located in the Town of Shutesbury, Massachusetts, and to approve an award of damages in the amount of $19,600.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $20,200.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 17 acres of land owned by James S. Aaron and Abner W. Briggs, his heirs, successors and assigns, located in the Town of Shutesbury, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Shutesbury in the County of Franklin and Commonwealth of Massachusetts, namely:

A certain parcel of land known as the Briggs lot off New Boston Road, containing 17 acres of land more or less, and bounded and described as follows:

Beginning at the northeast corner thereof at a stake and stones; thence southerly by land now or formerly of Charles Felton to a stake and stones; thence southerly by land now or formerly of Sam Powers and Edwin Robert to a stake and stones; thence westerly by lands of Robert and Powers to a stake and stones; thence northerly by land now or formerly of John Upton to a stake and stones; thence easterly by land now or formerly of Whitaker to the point of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, being the same premises described in the deed from Billings-Brown Corporation to James S. Aaron, dated January 8, 1970, and recorded with the Franklin County Registry of Deeds in Book 1253, Page 396.

LOCATION OF PROPERTY: OFF NEW BOSTON ROAD, SHUTESBURY, MA.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
James S. Aaron	$ 9,800.00
Abner W. Briggs and/or his heirs, devisees or successors in interest	$ 9,800.00

The Commission further V O T E D: to approve an award of damages in the amount of $19,600.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $20,200.00.

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 15.9 acres of land owned by Royall L. Tyler, et al, as heirs of Nathaniel P. Tyler, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $50,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $52,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 15.9 acres of land owned by Royall L. Tyler, et al, as heirs of Nathaniel P. Tyler, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Sterling on the east side of Campground Road (formerly known as Fitch Pond Road), bounded and described as follows:

Beginning at the northeast corner of the parcel on the east side of said road, thence

S. 62 degrees E.	sixty-three (63) rods to a corner; thence
S. 13 degrees W.	twelve (12) rods to an angle; thence
N. 74 degrees W.	twenty-three (23) rods; thence
S. 26 1/2 degrees W.	twenty-three (23) rods, fifteen (15) links; thence
N. 64 degrees W.	seventeen (17) rods, twenty-two (22) links to a chestnut tree; thence
S. 25 3/4 degrees W.	eight (8) rods, seventeen (17) links; thence
N. 54 degrees W.	fifteen (15) rods, fourteen (14) links; thence
S. 48 1/2 degrees W.	twenty-three (23) rods to an angle; thence
N. 35 degrees W.	twenty-seven (27) rods and twenty (20) links; thence
Northeasterly	by said road to the place of beginning.

Containing 15.9 acres, more or less. Meaning and intending to take hereby the above premises, howsoever the same may be

LOCATION OF PROPERTY: CAMPGROUND ROAD, STERLING, MASSACHUSETTS

bounded and described, and including any and all fee interest in the said Campground Road which may be held by the supposed owners, and being the same premises described in a deed from William Kenney to Nathaniel P. Tyler, dated July 22, 1915, and recorded with Worcester District Registry of Deeds in Book 2083, Page 267. Excluding from the premises taken hereby, the following lands: the land conveyed by Nathaniel P. Tyler to Theodore H. Wilson, by deed dated June 1925, and recorded with said Deeds in Book 2375, Page 31; the land conveyed by Royall L. Tyler, as Administrator, to William T. Melvin, Jr., et ux, by deed dated July 3, 1989, and recorded with said Deeds in Book 12261, Page 224; and the land conveyed by Royall L. Tyler, as Administrator, to John S. San Martino, by deed dated July 3, 1989, and recorded with said Deeds in Book 12315, Page 367.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Ransom Tyler, Justin H. Tyler, Joyce Boyer, Daniel H. Tyler, Janet Tyler and Royall L. Tyler, as heirs of the Estate of Nathaniel P. Tyler, Worcester County Probate No. 87P2072A1.	$ 50,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $50,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $52,000.00.

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1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 13.67 acres of land owned by Mary Ryan, a/k/a Mary R. Ryan, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $135,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $139,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 13.67 acres of land owned by Mary Ryan, a/k/a Mary R. Ryan, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Holden, about two miles north of the center of Holden, and described as follows:

BEGINNING at a stake and stones on the east side of the Town Road from Lovellville to French Woods, so called, thence
N. 75 degrees 38' E. 344 feet by land now or formerly of Veitele to the west bank of the River; thence by the bank of said River
N. 43 degrees 21' E. 76 feet; thence
N. 89 degrees 45' E. 76.5 feet; thence
N. 53 degrees 31' E. 87 feet; thence
N. 37 degrees 25' E. 107.3 feet; thence
N. 58 degrees 29' E. 98 feet; thence
N. 49 degrees 53' E. 100 feet; thence
N. 27 degrees 14' E. 54.1 feet; thence crossing said River
N. 29 degrees 20' E. 60.5 feet; thence
N. 43 degrees 41' E. 127 feet; thence
N. 31 degrees 49' E. 40.5 feet; thence
N. 25 degrees 29' W. 55 feet; thence
N. 01 degree 31' W. 108.4 feet; thence
N. 11 degrees 58' W. 317.5 feet to a cart road, all the above angles and measures after reaching said River to the cart road are opposite and joining land now or formerly of Holt; thence by said cart road

LOCATION OF PROPERTY: HILL STREET, HOLDEN, MASSACHUSETTS

N. 79 degrees 58' W. 144 feet to a stake and stones at land now or formerly of Duncan; thence
S. 57 degrees 24' W. 910 feet to stake and stones at land now or formerly of Cooney; thence
S. 10 degrees 27' E. 317.5 feet to the first mentioned road; thence by said road
S. 14 degrees 06' E. 258.3 feet to the first mentioned bound.

Containing 13.67 acres of land, more or less, and being the same premises conveyed by Edna Sweeney, et al, to Julia Frances Sweeney, by deed dated March 29, 1962, and recorded with the Worcester District Registry of Deeds in Book 4270, Page 216.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in the Town Road now known as Mill Street which may be held by the supposed owner.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Mary Ryan a.k.a. Mary R. Ryan	$ 135,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $135,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $139,000.00.

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1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 14.214 acres of land owned by Temenos, Inc., located in the Town of Shutesbury, Massachusetts, and to approve an award of damages in the amount of $15,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $16,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 14.214 acres of land owned by Temenos, Inc., located in the Town of Shutesbury, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, , 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Shutesbury in the County of Franklin and Commonwealth of Massachusetts shown on a plan entitled "Commonwealth of Massachusetts Metropolitan District Commission Division of Watershed Management Shutesbury (Franklin County) MA Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, Inc., and dated June 19, 1990, which plan shall be recorded with this order in the Franklin County Registry of Deeds and made a part of this order, namely;

A certain parcel of land in said Shutesbury lying westerly of Mt. Mineral Road and more particularly bounded and described as follows:

Beginning at a drill hole in a concrete bound marking an angle point in the line of land now or formerly of Temenos, Inc., said bound marking the northwesterly corner of land of the Commonwealth of Massachusetts; thence
N. 04 degrees 14' 08" E. a distance of 772.08 feet along other land now or formerly of Temenos, Inc., to a drill hole in a concrete bound; thence
N. 37 degrees 34' 17" E. a distance of 24.75 feet to a point; thence
by the following eight courses along the center line of the 1868 layout of a county way known as Mt. Mineral Road, as abandoned in 1987;
S. 52 degrees 25' 43" E. a distance of 120.58 feet to a point; thence
S. 58 degrees 25' 43" E. a distance of 458.13 feet to a point; thence

LOCATION OF PROPERTY: OFF MOUNT MINERAL ROAD, SHUTESBURY, MA.

S. 42 degrees 55' 43" E. a distance of 242.92 feet to a point; thence
S. 21 degrees 55' 43" E. a distance of 438.25 feet to a point; thence
S. 36 degrees 55' 43" E. a distance of 402.39 feet to a point; thence
S. 28 degrees 55' 43" E. a distance of 179.28 feet to a point; thence
S. 31 degrees 55' 43" E. a distance of 341.05 feet to a point; thence
S. 47 degrees 55' 43" E. a distance of 26.13 feet to a point; thence
by the following three courses along said land of the Commonwealth;
N. 83 degrees 07' 42" W. a distance of 396.96 feet to a drill hole in a concrete bound; thence
N. 18 degrees 41' 35" W. a distance of 906.65 feet to drill hole in a concrete bound; thence
S. 89 degrees 00' 50" W. a distance of 730.80 feet to the point of beginning.

Containing 14.214 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Mount Mineral Road which may be held by the supposed owner, and being a portion of the same premises described in a deed from Leonard Zavorski et ux, dated January 25, 1988, and recorded with Franklin County Registry of Deeds in Book 2199, Page 299.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Temenos, Inc.	$ 15,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $15,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $16,000.00.

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 16 acres of land owned by Theodore P. and Elizabeth B. DeLesdernier, located in the Town of Shutesbury, Massachusetts, and to approve an award of damages in the amount of $26,950.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $28,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 16 acres of land owned by Theodore P. and Elizabeth B. DeLesdernier, located in the Town of Shutesbury, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1991.

LOCATION OF PROPERTY: OFF NEW BOSTON ROAD, SHUTESBURY, MASSACHUSETTS

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Shutesbury in the County of Franklin and Commonwealth of Massachusetts, namely:

A certain parcel of land off New Boston Road in said Shutesbury, and bounded and described as follows:

Beginning at the southeast corner at a stake and stones; thence westerly by land now or formerly of Hiram Freeman to a stake and stones; thence northerly by land now or formerly of Levi Wilder to a stake and stones; thence easterly by land now or formerly of Daniel Ballard to a stake and stones; thence southerly by lands now or formerly of Frederic and Edwin Field to the place of beginning. Containing sixteen acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Abner W. Briggs to Nelson O. Maynard, dated October 5, 1907, and recorded with Franklin County Registry of Deeds in Book 584, Page 348.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land,

with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Theodore P. DeLesdernier and Elizabeth B. DeLesdernier	$ 26,950.00

The Commission further V O T E D: to approve an award of damages in the amount of $26,950.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $28,000.00.

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1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 31.026 acres of land owned by Richard Yakusik and John F. Schuffels, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $190,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $195,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 31.026 acres of land owned by Richard Yakusik and John F. Schuffels, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Sterling (Worcester County) Mass. - Land Taking Plan for Watershed Protection", dated June 28, 1990, and prepared by Greenman-Pedersen, Inc., which plan shall be recorded with this order in the Worcester District Registry of Deeds and made a part of this order, namely:

A certain parcel of land situated on the southerly side of Beaman Road in said Sterling, bounded and described as follows:

Beginning at a point in the southerly layout line of Beaman Road at the northwesterly corner of said parcel and at land now or formerly of Hatlee, shown as a point of curvature being 57.44 feet to the east of an iron rod on Plan 44 of Plan Book 379 on file with said Deeds; thence

Southeasterly	and curving to the left along the arc of a curve having a radius of 4,030 feet, a length of 58.74 feet to a point on the curve; thence
Southerly	and curving to the left along the arc of a curve having a radius of 25 feet, a length of 15.56 feet to a point of tangency; thence
S. 02 degrees 35' 04" W.	a distance of 280.52 feet to a spike found; thence

LOCATION OF PROPERTY: BEAMAN ROAD, STERLING, MASSACHUSETTS

S. 68 degrees 23' 55" E.	a distance of 259.23 feet to an iron rod found; thence
N. 02 degrees 35' 04" E.	a distance of 295.58 feet to a point in the southerly layout line of said Beaman Road; the previous four (4) courses bounding on land now or formerly of Cochrane; thence
S. 68 degrees 56' 04" E.	a distance of 465.25 feet along the southerly layout line of said Beaman Road to a point; thence
S. 21 degrees 43' 10" W.	a distance of 478.52 feet to an iron rod found, bounding on land now or formerly of Valente; thence
S. 20 degrees 28' 45" E.	a distance of 243.41 feet to an iron rod in stones found, bounding on land now or formerly of Barry; thence
S. 43 degrees 18' 28" W.	a distance of 568.82 feet to an old oak stump found; thence
S. 07 degrees 04' 43" W.	a distance of 445.69 feet to an iron pipe found; the previous two (2) courses bounding on land now or formerly of Munoz; thence
N. 85 degrees 10' 06" W.	a distance of 551.10 feet to an iron pipe found; thence
N. 45 degrees 10' 10" W.	a distance of 80.76 feet to an iron pipe found; the previous two (2) courses bounding on land of the Commonwealth of Massachusetts; thence
N. 54 degrees 01' 54" W.	a distance of 591.05 feet to an iron pipe found, bounding on land now or formerly of Meiselman; thence
N. 66 degrees 15' 19" E.	a distance of 752.59 feet to a stone pile found; thence
N. 07 degrees 06' 45" W.	a distance of 590.99 feet to an iron pipe found; the previous two (2) courses bounding on land now or formerly of Fuller and Levesque; thence
N. 02 degrees 16' 41" W.	a distance of 77.71 feet to an iron pipe found; thence
N. 10 degrees 05' 01" E.	a distance of 195 feet to a point; the previous two (2) courses bounding on land now or formerly of Morse; thence

S. 68 degrees 23' 55" E.	a distance of 255.28 feet to a point; thence
N. 02 degrees 35' 04" E.	a distance of 297.78 feet to a point of curvature; thence
Northerly	and curving to the left along the arc of a curve having a radius of 25 feet, a length of 1.40 feet to the point of beginning; the previous three (3) courses bounding on land now or formerly of Hatlee.

Containing approximately 31.026 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Beaman Road which may be held by the supposed owners, and being a portion of the premises described in a deed from George J. Donahue, et ux, to Richard Yakusik and John F. Schuffels, dated February 28, 1966, and recorded with said Deeds in Book 4649, Page 251, hereby excluding those parcels as shown on Plan 44 of Plan Book 379 and filed with said Deeds.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Richard Yakusik and John F. Schuffels	$ 190,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $190,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $195,000.00.

1. Report of Mr. Gray, June 14, recommending that the Commission adopt an Order of Taking for acquisition of approximately 188.456 acres of land owned by Franklin W. Holt, Sally Holt Tamblyn, Charles E. Davis, Alden G. Davis, Edward Jones Davis, Mary Ellen Davis and Solon Perauden Davis, all as devisees under the will of J. Stanley Holt, Worcester Probate No. 258358, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $313,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $321,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 188.456 acres of land owned by Franklin W. Holt, Sally Holt Tamblyn, Charles E. Davis, Alden G. Davis, Edward Jones Davis, Mary Ellen Davis and Solon Perauden Davis, all as devisees under the will of J. Stanley Holt, Worcester Probate No. 258358, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

Tract I.

A certain parcel of land situated on the westerly side of Harris Street in said Holden, more particularly bounded and described as follows:

BEGINNING at a point in the westerly layout line of Harris Street at the northeasterly corner of the granted parcel and at land of the Town of Holden, shown as a point being 4.62 feet to the east of an old stake; thence

S. 14 degrees 05' 30" W. a distance of 40.78 feet to a point; thence
S. 09 degrees 30' 58" W. a distance of 229.93 feet to a point; thence
S. 14 degrees 23' 03" W. a distance of 282.66 feet to a point; thence
S. 09 degrees 21' 05" W. a distance of 186.82 feet to a point; thence
S. 18 degrees 03' 51" W. a distance of 6.19 feet to a point; the previous five (5) courses bounding by said Harris Street; thence
N. 61 degrees 44' 00" W. a distance of 683 feet to a point; thence

LOCATION OF PROPERTY: HARRIS STREET AND OFF QUINAPOXET STREET, HOLDEN, MASSACHUSETTS

S. 77 degrees 01' 00" W.	a distance of 646 feet to a point; thence
S. 22 degrees 46' 00" W.	a distance of 379 feet to a point, bounding on lands now or formerly of Gendler and RZV Realty Corp.; thence
S. 55 degrees 29' 00" E.	a distance of 315.98 feet to a point, bounding on land of said of RZV Realty Corp.; thence
S. 24 degrees 31' 00" W.	a distance of 1,005.48 feet to a stake with nail found, bounding on lands now or formerly of Foley, Amick and RZV Realty Corp.; thence
N. 11 degrees 18' 00" W.	a distance of 438.80 feet to a stone bound found; thence
N. 64 degrees 27' 00" W.	a distance of 109.40 feet to a stone bound found; thence
N. 26 degrees 24' 00" W.	a distance of 498.40 feet to a stone bound found; thence
N. 87 degrees 39' 18" E.	a distance of 119.97 feet to a stone bound found; thence
N. 87 degrees 39' 18" E.	a distance of 29 feet, more or less, to a point on the centerline of the brook called Unionville Brook; thence
Northeasterly	a distance of 788 feet more or less along the centerline of the said Unionville Brook to a point on the centerline of the river called Quinapoxet River; the previous six (6) courses bounding on land of the Commonwealth of Massachusetts; thence
Northeasterly	a distance of 1,382 feet more or less along the centerline of the said Quinapoxet River to a point on the centerline of said river bounding on land of the Commonwealth; thence
S. 65 degrees 38' 04" E.	a distance of 1,211 feet, more or less, bounding on the land of the Town of Holden, to the point of beginning.

Containing approximately 37.276 acres, as shown on a plan of land entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Holden (Worcester County) Mass. - Land Taking Plan for Watershed Protection", prepared by Greenman-Pedersen, Inc.,

and dated June 27, 1990, which plan shall be recorded with the Worcester District Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Harris Street which may be held by the supposed owners, and being the same premises described in a deed from Blanche W. Alton, et al, to J. Stanley Holt, dated December 10, 1957, and recorded with said Deeds in Book 3916, Page 179.

Tract II.

Parcel 1.

A certain parcel of shown as Parcel 1 on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Holden (Worcester County) Massachusetts - Land Taking Plan for Watershed Protection", prepared by Merrimack Engineering Services, Inc., and dated June 17, 1991, which plan shall be recorded with said Deeds and made a part of this order, described as follows:

Beginning at the southeast corner of the parcel at a pile of stones, thence running:

N. 87 degrees 05' 28" W.	1254 feet by land now or formerly of Sundin to a point; thence
N. 89 degrees 05' 12" W.	1080.75 feet to a point; thence
N. 29 degrees 06' 50" W.	445.50 feet to a point; thence
N. 73 degrees 13' 20" W.	222.18 feet to the remains of a stone wall; thence
N. 85 degrees 18' 31" W.	218.55 feet along the remains of said stone wall to a point; thence
N. 81 degrees 15' 21" W.	36.42 feet along said wall to a point; thence
N. 82 degrees 08' 52" W.	109.75 feet along said wall to a point; thence
N. 83 degrees 19' 20" W.	65.51 feet along said wall to a point; thence
N. 86 degrees 33' 13" W.	67.92 feet along said wall to a point; thence
N. 85 degrees 20' 06" W.	298.61 feet along said wall to a point; the last nine courses by land of said Holt; thence

N. 87 degrees 02' 50" W.	53.56 feet by said land of Holt and along said wall to a point at land now or formerly of the Boston and Maine Railroad; thence
N. 02 degrees 18' 46" W.	80.52 feet to a pile of stones; thence
N. 09 degrees 36' 34" W.	77.99 feet to a pile of stones; thence
N. 00 degrees 16' 11" W.	56.82 feet to a pile of stones; thence
N. 14 degrees 40' 26" W.	25.26 feet to a pile of stones; the last four courses by said Railroad land; thence
N. 54 degrees 48' 21" W.	13.80 feet to a tack in the hub at a stone wall extension intersection at land now or formerly of Davenport; thence
N. 50 degrees 18' 55" E.	153.72 feet along a stone wall to a drill hole; thence
N. 62 degrees 33' 16" E.	95.49 feet along said wall to a drill hole; thence
N. 54 degrees 33' 32" E.	86.89 feet along said wall to a drill hole; thence
N. 50 degrees 16' 51" E.	47.67 feet along said wall to a drill hole; thence
N. 44 degrees 48' 14" E.	42.90 feet along said wall to a drill hole; thence
N. 66 degrees 23' 32" E.	8.40 feet along said wall to the end; the last six courses by land of said Davenport; thence
N. 38 degrees 08' 20" E.	675.35 feet to a drill hole at the end of a stone wall to land now or formerly of Stanley Holt; thence
N. 56 degrees 03' 41" E.	1186.33 feet land of said Stanley Holt to a point at land now or formerly of Paquette; thence
S. 62 degrees 24' 37" E.	660 feet by land of said Paquette to a pile of stones at land now or formerly of Pettee; thence
S. 75 degrees 58' 54" E.	1155.10 feet by land of said Pettee to a pile of stones; thence
S. 51 degrees 19' 28" E.	330 feet by land of said Pettee to a point at land now or formerly of Holt; thence
S. 26 degrees 32' 27" W.	214.50 feet by land of said Holt to a pile of stones and the point of beginning.

Containing 59.455 acres, more or less.

Parcel 2.

A certain parcel shown on said plan as Parcel 2, and described as follows:

Beginning at the most southerly corner at a pile of stones on the northerly bank of the Asnebomskit Brook at land now or formerly of Parker, thence running:

N. 24 degrees 51' 26" W. 151.14 feet by land of said Parker to a point; thence
N. 58 degrees 51' 26" W. 206.25 feet by land of said Parker to a point; thence
N. 80 degrees 51' 26" W. 297 feet by land of said Parker to a point; thence
N. 33 degrees 21' 26" W. 143.88 feet by land of said Parker to a point at land now or formerly of the Boston and Maine Railroad; thence
N. 38 degrees 55' 16" E. 736.56 feet by said Railroad land to a point at the remains of a stone wall at land now or formerly of Holt; thence
S. 87 degrees 02' 50" E. 53.56 feet along said wall to a point; thence
S. 85 degrees 20' 06" E. 298.61 feet along said wall to a point; thence
S. 86 degrees 33' 13" E. 67.92 feet along said wall to a point; thence
S. 83 degrees 19' 20" E. 65.51 feet along said wall to a point; thence
S. 82 degrees 08' 52" E. 109.75 feet along said wall to a point; thence
S. 81 degrees 15' 21" E. 36.42 feet along said wall to a point; thence
S. 85 degrees 18' 31" E. 218.55 feet along said wall to a point; thence
S. 73 degrees 13' 20" E. 222.18 feet to a point; the last eight courses by land of said Holt; thence
S. 29 degrees 06' 50" E. 445.50 feet to a point at other land of said Holt; thence
S. 07 degrees 47' 28" W. 330 feet by said other land of Holt to a point at land of said Parker; thence
S. 83 degrees 18' 53" W. 1,089 feet by land of said Parker to a stone pile on the bank of the Asnebomskit Brook and the point of beginning.

Containing 28.152 acres, more or less.

Parcel 3.

A certain parcel shown as Parcel 3 on said plan, described as follows:

Beginning in the southwesterly corner at a drill hole in the end of a stone wall at the bank of the Asnebomskit Brook and land now or formerly of Parker, thence running:

N. 13 degrees 26' 36" W.	118.06 feet by land of said Parker to a drill hole at the other end of the stone wall; thence
N. 15 degrees 14' 06" W.	475.99 feet by land of said Parker to a point at land now or formerly of Holt; thence
N. 07 degrees 47' 28" E.	330 feet land of said Holt to a point; thence
S. 89 degrees 05' 12" E.	1,080.75 feet by land of said Holt to a point at land now or formerly of Sundin; thence
S. 20 degrees 05' 33" W.	1,023 feet by land of said Sundin to a point at the bank of the Asnebomskit Brook at land of owners unknown; thence
Southwesterly	10 feet more or less to the centerline of said Brook at land of owners unknown; thence
Westerly	834 feet more or less by land of owners unknown along the centerline of said Brook to land of said Parker; thence
Northerly	10 feet more or less along land of said Parker to the top of the bank of said Brook; thence
N. 13 degrees 26' 38" W.	8 feet from a point at the top of the bank by land of said Parker to a drill hole and the point of beginning.

Containing 18.1 acres, more or less.

Parcel 4.

A certain parcel shown on said plan as Parcel 4, and described as follows:

Beginning at the northeast corner at lands now or formerly of Parker and Davenport; thence, along a curve to the left a radius of 2,906.25 feet, 672.13 feet by lands of said

Davenport to a point at land now or formerly of the Massachusetts Central Railroad; thence

S. 15 degrees 06' 40" W.	261.91 feet by land of said Railroad to a point in the centerline of the Asnebomskit Brook; thence
Westerly	118 feet more or less by the centerline of said Brook by land now or formerly of Murphy to a point at land now or formerly of the Commonwealth; thence
N. 82 degrees 25' 58" W.	104.46 feet by land of said Commonwealth to a concrete bound with a drill hole, thence
S. 35 degrees 39' 00" W.	648.61 feet by said Commonwealth land to a concrete bound with a drill hole; thence
S. 56 degrees 41' 14" W.	606.53 feet by said Commonwealth land to an iron pipe in a concrete bound at land now or formerly of Sundin; thence
N. 09 degrees 01' 32" E.	495 feet by land of said Sundin to a point; thence
N. 48 degrees 31' 18" E.	330 feet by land of said Sundin to a pile of stones at land now or formerly of Holt; thence
N. 26 degrees 32' 27" E.	214.50 by land of said Holt to a point at land now or formerly of Pettee; thence
N. 28 degrees 20' 28" E.	897.78 feet along land of said Pettee to land of said Davenport and the point of beginning.

Containing 15.606 acres, more or less.

Parcel 4A.

A certain parcel shown as Parcel 4A on said plan, and described as follows:

Beginning at the northwest corner at lands now or formerly of Davenport and Pettee, running:

N. 28 degrees 20' 28" E.	123.91 feet by land of said Pettee to a pile of stones at land of owners unknown; thence

S. 43 degrees 01' 25" E. 488.50 feet by land of owners unknown to a cement bound with a drill hole; thence

S. 15 degrees 06' 40" W. 340.42 feet by land of owners unknown to a cement bound with a drill hole at land of said Davenport; thence, along a curve to the right with a radius of 2823.75 feet, 653.10 feet by lands of said Davenport and Pettee to the point of beginning.

Containing 2.579 acres, more or less.

Parcel 5.

A certain parcel shown on said plan as Parcel 5, and described as follows:

Beginning at the northwest corner, at lands now or formerly of Davenport and the Commonwealth of Massachusetts, at the centerline of Bear Brook, running:

S. 86 degrees 35' 45" E. 781.55 feet by land of said Commonwealth to a point at land of said Davenport; thence, along a curve to the right a radius of 1109.75 feet, 202.85 feet along land of said Davenport; thence

S. 54 degrees 16' 27" E. 1,079.55 feet by land of said Davenport; thence, along a curve to the right a radius of 1443.16 feet, 220.60 feet by land of said Davenport; thence

S. 52 degrees 21' 36" W. 405.54 feet by land of said Davenport and lands now or formerly of Pettee and Paquette to a pile of stones; thence

N. 43 degrees 32' 58" W. 813.96 feet by land of said Paquette to an iron pipe in a pile of stones; thence

S. 45 degrees 51' 15" W. 712.89 feet by land of said Paquette to a pile of stones at land now or formerly of Stanley Holt; thence

N. 45 degrees 51' 23" W. 1,078.64 feet by land of said Stanley Holt to a pile of stones in the centerline of Bear Brook, at land of said Davenport; thence

Northerly	445 feet, more or less, along the centerline of Bear Brook by land of said Davenport to a point at land of said Commonwealth, said point being the point of beginning.

Containing 27.252 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS		AWARD
Franklin W. Holt (1/4), Sally Holt Tamblyn (1/4), Charles E. Davis (1/12), Alden G. Davis (1/12), Edward Jones Davis (1/12), Mary Ellen Davis (1/6), Solon Perauden Davis (1/12), all as devisees under the will of J. Stanley Holt, Worcester Probate Docket No. 258358.	Tract I:	$ 131,000.00
	Tract II:	$ 182,400.00

The Commission further V O T E D: to approve an award of damages in the amount of $313,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12 and 39, not to exceed the amount of $321,000.00.

1. The following schedules were approved for payment by the Commissioner during the period from June 3, 1991 to June 10, 1991.

Expenditures $1,114,761.69

Adjourned at 12:30 p.m. to meet on Thursday, June 27, 1991 at 10:00 a.m.

William F. Cherchel
Secretary

Record of the Three Thousand Five Hundred and Seventy Fourth (3574th) meeting of the Metropolitan District Commission duly called and held at 20 Somerset Street, Boston, Massachusetts, on Thursday, June 27, 1991 at 10:00 a.m.

Present, Commissioner Bhatti and Associate Commissioners Elkort, Jones, O'Malley and Whelan.

The Records of the Commission Meeting held on June 6, 1991 were read and approved:

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Third Amendment, dated June 27, 1991, to Contract-Agreement with Barnes and Jarnis, Inc., for Providing Engineering Services to the Metropolitan District Commission.

2. Contract No. P91-1614-M1A, dated June 27, 1991, with FM Emergency Generator, Inc., for Annual Preventative Maintenance and Repair of Prime Power Generators, Various Locations within the Metropolitan District.

3. Contract No. P84-1315-C7A, dated June 27, 1991, with D & R General Contracting, Inc., for Resurfacing Sections of MDC Parkways, Various Locations.

4. Contract No. P87-1425-C4A, dated June 27, 1991, with Boston Building and Bridge Corporation, for Repairing/Replacing Bituminous and Cement Concrete Sidewalks throughout the Metropolitan District.

Action was taken upon the following matters relating to the Engineering and Construction Division:

5. Report of Messrs. Faucher and Mayhew, June 12, recommending approval of Extra Work Order No. 1, in the amount of $24,500.00, to prepare and paint the Dorothy Quincy Homestead, Quincy, Massachusetts, on Contract No. P91-1606-C1A, with A. W. Paine Construction Corp., for Roofing and Gutter Repairs at the Dorothy Quincy Homestead, Quincy, Massachusetts. Account No. 2440-8885.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $24,500.00.

6. Report of Messrs. Faucher and Kirwin, June 11, recommending approval of a revision in quantities on the following items on Contract No. P89-1550-M2A, with Tri-State Signals, Inc., for Servicing Traffic Signals and Control Systems, Blue Hills and Old Colony Districts -

Item No. 003-010	-	$ 900.00
Flashing Traffic Control Knockdown Repair		
Item No. 003-020	-	$1,300.00
Traffic Signal Knockdown Repair		
Item No. 012-010	-	$ 700.00
Communication System and Clerical Work		
Total	-	$2,900.00

(At no increase in Contract cost as the extra cost will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Kirwin in their report of June 11, 1991.

7. Report of Messrs. Faucher and Abounaja, June 13, recommending approval of Extra Work Order No. 5, in the amount of $1,279.26, to furnish and install 46 linear feet of vinyl coated chain link fence, on Contract No. P88-1542-C1A, with Brightway Corporation, for Improvements to Johnson Playground.
Account No. 2440-8887.
Mr. Abounaja explained that the Extra Work Order for fencing is being requested to protect ball players from being struck by foul balls.
Associate Commissioner O'Malley asked that other Commission ball fields be checked to insure that similar fencing is in place.
The Commission V O T E D: to approve Extra Work Order No. 5, in the amount of $1,279.26.

1. Report of Messrs. Faucher and Machado, June 20, recommending approval of a revision in quantities on Item No. 012-010 - Patch Spalled Concrete - at an increase of $40,000.00 - on Contract No. P84-1276-C2B, with Sciaba Construction Corporation, Bridge Division, for Bridge Rehabilitation, Neponset River Bridge. (At no increase in Contract cost as the extra cost will be offset by unused quantities in other items).
The Commission V O T E D: Approved as recommended by Messrs. Faucher and Machado in their report of June 20, 1991.

2. Report of Messrs. Faucher and Arinella, June 11, on bids for Servicing, Maintaining and Repairing Various MDC Flood Control Underwater Structures, Contract No. P91-1613-M1A. Account No. 2440-0010-NN.
(Messrs. Faucher and Arinella recommend acceptance of the only bid received, that of Underwater Construction Company, of $86,275.00).
The Commission V O T E D: to accept the only bid received, that of Underwater Construction Company, of $86,275.00.

3. Report of Messrs. Faucher and Arinella, June 11, on bids for Servicing, Maintaining and Repairs to Hydraulic Power Systems, MDC Flood Control Navigational Division. Contract No. P91-1612-M1A. Account No. 2440-0010-NN.
(Messrs. Faucher and Arinella recommend acceptance of the low bid, that of Balfour Engineering Co., Inc., of $85,625.00).
The Commission V O T E D: to accept the lowest bid, that of Balfour Engineering Co., Inc., of $85,625.00.

4. Report of Messrs. Faucher and Lenhardt, June 20, on bids for Expansion Joint Repair, Alewife Brook Parkway Bridge, Cambridge, Massachusetts, Contract No. P91-1616-C1A. Account No. 2490-0010.
(Messrs. Faucher and Lenhardt recommend acceptance of the low bid, that of SPS New England, Inc., of $54,125.00).
Associate Commissioner Jones noted that serious traffic problems could occur in the area as a result of the project. He suggested that signs be placed at strategic locations, as soon as possible, notifying the public of the upcoming project and advising commuters to seek alternate routes until such time as the work has been completed.
The Commission V O T E D: to accept the lowest bid, that of SPS New England, Inc., of $54,125.00.

5. Report of Messrs. Faucher and DiPietro, June 12, recommending the following on Contract-Agreement No. P78-0564-X2B, with Hayden-Wegman, Inc., for Operation and Maintenance Service for the Lower Mystic Lake Treatment Facility -
(a) That work be accepted as completed as of June 15, 1991.
(b) That Final Invoice, in the amount of $368.30, be approved for payment.
(c) That Retainage, in the amount of $6,095.02, be approved for payment.
(On a scale of 1.00 - 10.00 (10.00 being highest rating), the Consultant's performance was rated 7.50).
The Commission V O T E D: that the work of Hayden-Wegman, Inc., Consultant under Contract-Agreement No. P78-0564-X2B, for Operation and Maintenance Service for the Lower Mystic Lake Treatment Facility, be and hereby is accepted as completed as of June 15, 1991.
The Commission further V O T E D: to approve Final Invoice, in the amount of $368.30, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $6,095.02, for payment.

6. Report of Messrs. Faucher and Mayhew, June 24, recommending approval of Extra Work Order No. 2, in the amount of $4,380.00, to remove and replace the existing cedar shingles on the vertical sidewalls of seven dormers and modify the new roofing seam system installation, on Contract No. P91-1606-C1A, with A. W. Paine Construction Corp., for Roofing and Gutter Repairs at the Dorothy Quincy Homestead, Quincy, Massachusetts. Account No. 2440-8885.
The Commission V O T E D: to approve Extra Work Order No. 2, in the amount of $4,380.00.

1. Report of Messrs. Faucher and Lenhardt, June 21, requesting that the Commission ratify and approve the actions of the Engineering and Construction Division in awarding Emergency Contracts P91-1617-C1A, in the amount of $18,600.00 - P91-1617-C2A, in the amount of $4,426.82 - and P91-1617-C3A, in the amount of $4,875.00, for Emergency Repairs to John J. Beades Drawbridge, to Balfour Engineering Co., Inc., and to authorize payment, in the amount of $27,901.82 for the emergency repairs.
Account No. 2490-0010.
The Commission V O T E D: to ratify and approve the actions of the Engineering and Construction Division in awarding Emergency Contracts P91-1617-C1A, in the amount of $18,600.00 - P91-1617-C2A, in the amount of $4,426.82 - and P91-1617-C3A, in the amount of $4,875.00, for Emergency Repairs to John J. Beades Drawbridge, to Balfour Engineering Co., Inc.
The Commission further V O T E D: to authorize payment, in the amount of $27,901.82 for the emergency repairs.

Action was taken upon the following matter relating to the Watershed Management Division:

2. Report of Mr. McGinn, June 25, requesting permission to advertise for bids for rubbish disposal services for Fiscal Year 1992, as follows:
Quabbin Section - Estimated Cost $4,000.00
Wachusett Section - Estimated Cost $4,300.00
Account No. 2420-1400.
The Commission V O T E D: Permission to advertise.

Action was taken upon the following Various Matters:

3. Report of Mr. Jewett, June 26, on behalf of the Consultant Selection Committee, requesting selection of GZA Geo Environmental, Inc., for Data Analysis and Interpretation for the Watershed Management Division, Contract-Agreement No. WM89-012-S1A. Fee will be a not-to-exceed amount of $50,000.00. Time for Performance will be approximately 24 months.
Account No. 2420-7884.
The Commission V O T E D: Approved.

4. Report of Mr. Jewett, June 26, on behalf of the Consultant Selection Committee, requesting selection of EG & G Washington Analytical Services Center, Inc., for Sediment Geophysical Investigation of Quabbin and Wachusett Reservoirs, Contract-Agreement No. WM89-010-S1A. Fee will be a not-to-exceed amount of $120,000.00. Time for Performance will be approximately 18 months.
Account No. 2420-7884.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.3 acres of land owned by Martone Trucking, Inc., located in the Town of Barre, Massachusetts, and to approve an award of damages in the amount of $19,800.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $21,500.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.3 acres of land owned by Martone Trucking, Inc., located in the Town of Barre, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Barre in the County of Worcester and Commonwealth of Massachusetts, namely:

LOCATION OF PROPERTY: DEPOT ROAD, BARRE, MA.

Parcel 1: A certain parcel of land formerly owned by the Penn Central Railroad situated in said Barre, being all the land and premises, easements, rights of way and any other rights of any kind whatsoever appurtenant thereto or used in conjunction therewith on and along a portion of Railroad known as the Ware River Branch, said portion being described as follows:

Beginning: At the northeasterly line of Depot Road extended across the right of way of said Branch of Railroad through a point in the centerline thereof at Railroad Valuation Survey Station 1352+80, plus or minus, and
Thence: Extending in a general northeasterly direction following along said Ware River Branch for a distance of 7,790 feet, more or less, measured along the centerline of said Branch of Railroad to the place of ending, said place of ending being the centerline of a public road known as Route 122 extended across the right of way of said Branch of Railroad through a point in the centerline thereof at Railroad Valuation Survey Station 1430+70, plus or minus, as shown on Railroad Valuation Map Nos. 500-0050-0-26-4, 500-0050-0-27-4, and 500-0050-0-28-4.

Together with all right, title and interest of, in and to the adjoining bridge over the Ware River (Bridge No. 27.02), including superstructure, piers and abutments thereof,

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whether on the land conveyed herein or within the bed of said river.

Containing 7.7 acres, more or less.

Parcel 2: A certain parcel of land formerly owned by the Boston and Maine Railroad situated in said Barre, running from the Barre Depot Road so-called to the Oakham Town Line included within the limits of that portion of the location of the Central Massachusetts Branch so-called, formerly operated by the Boston and Maine Railroad, together with all the right, title and interest of said Railroad in its land contiguous or adjacent to the said portion of said Branch, bounded and described as follows:

Beginning: On the westerly side of the Highway known as Depot Road at the southwest corner at land now or formerly of South Barre Wool Company and land now or formerly of owned by the Commonwealth of Massachusetts;
Thence: Southwesterly by land now or formerly of Edgar Sykes and land now or formerly of one Matson to the Oakham Town Line;
Thence: By said Oakham Town Line across said former Railroad;
Thence: Northwesterly to Depot Road or Oakham Road, so-called;
Thence: By the westerly side of said Road to the place of beginning.

Containing 3.6 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said Depot Road which may be held by the supposed owner, and being the same premises described respectively in a deed from Leonard P. Martone et ux to Robert P. Foley, Trustee of the Robert Foley Realty Trust, dated January 27, 1984, and recorded with Worcester District Registry of Deeds in Book 8070, Page 7, and in a deed from Leonard P. Martone et ux to Robert P. Foley, Trustee as aforesaid, dated January 27, 1984, and recorded with said Deeds in Book 8070, Page 20.

Expressly granting hereby to the owner of record, Martone Trucking, Inc., and/or Resource Control, Inc., acting by and through its corporate successors, assigns, contractors and agents, the right to access and install, operate and maintain stormwater control and water quality monitoring equipment on or within an area of at least 14,000 square feet situated at the northwesterly corner of the premises so taken, for all purposes attendant to the establishment, operation and closure of that facility known as the Martone Sanitary Landfill which is located on the remaining portion of property of said owner; provided, however, that said facility is at all times subject to applicable local, state and federal environmental laws, regulations and ordinances, and that said owner remains in compliance with same; and also provided, however, that said owner shall in no event, either by action or omission, endanger or cause to endanger public health and safety. As a condition to the grant of the aforementioned rights, such rights to said owner shall cease upon the closure of the Martone Sanitary Landfill, and said owner shall be obligated to remove any and all of its equipment, machinery and materials from the premises not otherwise required or permitted by said applicable laws, regulations and ordinances.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of machinery, equipment or materials affixed to or located on, under or within said land and related to the operation and closure of the Martone Sanitary Landfill, and with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Martone Trucking, Inc.	$ 19,800.00

The Commission further V O T E D: to approve an award of damages in the amount of $19,800.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $21,500.00.

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1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 70 acres of land owned by Laurey C. Kenerson and Ann-Marie Kenerson, located in the Town of New Salem, Massachusetts, and to approve an award of damages in the amount of $88,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of 91,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 70 acres of land owned by Laurey C. Kenerson and Ann-Marie Kenerson, located in the Town of New Salem, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 21 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of New Salem in the County of Franklin and Commonwealth of Massachusetts, namely:

Two certain parcels of land situated in the northerly part of said New Salem, bounded and described as follows:

Parcel 1.

Beginning at the southwest corner of said premises, on the east side of the County Road;
Thence in line of said Road to land now or formerly of Ellis;
Thence northerly on said Ellis land and land now or formerly of Curtis;
Thence westerly on land now or formerly of Wilbur to a stake and stones; and
Thence southerly on land now or formerly of Oakes to the place of beginning.

Containing 32 acres, more or less.

Parcel 2.

Beginning at the northwest corner of said premises, at a stake and stones;
Thence southerly on land now or formerly of Sawyer to a stake and stones;
Thence easterly on land now or formerly of Bassett and Newland to a corner;
Thence northerly on land now or formerly of Woolworth to a stake and stones; and
Thence westerly on land now or formerly of Sloan and Coolidge to the place of beginning.

Containing 38 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said County Road, also known as Moosehorn Road, which may be held by the supposed owners, and being the same premises described in a deed from Doris M. Cutter, et al, Executors, to Laurey C. Kenerson, et ux, and recorded with Franklin County Registry of Deeds in Book 1303, Page 210.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Laurey C. Kenerson and Anne-Marie Kenerson	$ 88,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $88,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of 91,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 31.8 acres of land owned by Warren S. Oberg, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $54,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $58,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 31.8 acres of land owned by Warren S. Oberg, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Hubbardston situated on the westerly side of Worcester Road, also known as Route 68, bounded and described as follows:

Beginning at a point in the westerly line of Worcester Road at the southeasterly corner of land now or formerly of Kilmoyer, thence

S. 53 degrees 17' 45" W.	150.69 feet to a post at the southeasterly corner of a paddock; thence
S. 47 degrees 09' 20" W.	173.91 feet to a corner of stone walls; thence
S. 78 degrees 22' 35" W.	255 feet by a stone wall to a point; thence
S. 10 degrees 37' 45" E.	87.49 feet by a stone wall to a point; thence
S. 54 degrees 24' 25" W.	823.95 feet, in part by a stone wall, to a point; the last five courses being by said land of Kilmoyer; thence
S. 39 degrees 42' 20" E.	261.13 feet by land now or formerly of Fowler to a drill hole set; thence
S. 40 degrees 00' 50" E.	321.54 feet by land now or formerly of Clark to a drill hole set; thence

LOCATION OF PROPERTY: WORCESTER ROAD, HUBBARDSTON, MA.

S. 39 degrees 10' 00" E.	1,370 feet, more or less, by said land of Clark to a point in the centerline of the Ware River; thence
Northwesterly	2,270 feet, more or less, by the centerline of said Ware River to a point in the westerly line of said Worcester Road; thence
N. 32 degrees 09' 57" W.	70 feet, more or less, to a Worcester County Highway bound; thence
N. 53 degrees 29' 29" W.	134.48 feet to a Worcester County Highway bound; thence
N. 32 degrees 33' 46" E.	106.87 feet to a Worcester County Highway bound; then
Northwesterly	139.95 feet to the point of beginning.

Containing 36.1 acres, more or less, and being shown as Lot 2 on a plan of land dated November 29, 1973, and recorded with Worcester District Registry of Deeds as Plan 35 in Plan Book 393. However, expressly excepting and excluding from the premises taken hereby, that parcel containing 4.3 acres, more or less, and shown as "Parcel 1-A" on a plan entitled "Plan of Land in Hubbardston, Massachusetts", prepared by George E. Smith, dated June 10, 1991, and to be recorded with said Deeds prior to the date of this instrument, which parcel is bounded and described as follows:

Beginning at a point in the westerly line of Worcester Road, also known as Route 68, at the northeast corner at land now or formerly of Kilmoyer,

Thence southeasterly by the westerly line of said Road and by a regular curve to the left a radius of 6040 feet an arc distance of 193.94 feet to a W.C.H. bound in said Road;
Thence S. 32 degrees 33' 46" W. 106.87 feet by said Road to a W.C.H. bound;
Thence S. 47 degrees 59' 47" W. 587.33 feet to an iron pipe;
Thence N. 41 degrees 45' 24" W. 296.78 feet to a drill hole at the intersection of stone walls;
Thence N. 54 degrees 13' 02" E. 156.16 feet partially by a stone wall to a point;
Thence N. 10 degrees 37' 45" W. 87.45 feet to a point;
Thence N. 78 degrees 22' 35" E. 255 feet to a point;
Thence N. 47 degrees 09' 20" E. 173.91 feet to a point;
Thence N. 53 degrees 17' 45" E. 150.69 feet to a point in the westerly line of said Road and the place of

beginning, the last five courses and distances by land of said Kilmoyer.

Meaning and intending to take hereby the above premises, containing 31.8 acres, more or less, howsoever the same may be bounded and described, and expressly including the right of way for all public street purposes over a triangular parcel abutting said premises as described in a deed from Warren S. Oberg, et ux, to Robert W. Kilmoyer, Jr., et ux, dated December 13, 1973, and recorded with said Deeds in Book 5427, Page 62.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, with the exception of the above-referenced right of way.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Warren S. Oberg	$ 54,400.00

The Commission further V O T E D: to approve an award of damages in the amount of $54,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $58,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 30.076 acres of land owned by Raymond T. Cardogno and Kathryn L. Cardogno, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $175,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $181,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 30.076 acres of land owned by Raymond T. Cardogno and Kathryn L. Cardogno, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated on the easterly side of Twin Hill Road in the southerly part of said Hubbardston, bounded and described as follows:

Beginning at the southeasterly corner of said parcel, at a monument which is approximately twenty-seven feet from the centerline of the Ware River, thence running:

S. 64 degrees 59' 29" W. 665.22 feet along land of the Commonwealth of Massachusetts to an iron pin; thence
S. 64 degrees 59' 29" W. 199.74 feet through a pond and by land now or formerly of Kymalainen to a point on the easterly side of said Road; thence
N. 39 degrees 05' 31" W. 118.48 feet along said Road to a point; thence
N. 31 degrees 55' 34" W. 42.69 feet along said Road to a point; thence
N. 40 degrees 16' 28" W. 37.42 feet along said Road to a point; thence
N. 40 degrees 16' 28" W. 11.67 feet along said Road to an iron pin; thence
N. 37 degrees 54' 42" W. 39.75 feet along said Road to an iron pin; thence
N. 37 degrees 54' 42" W. 77.61 feet along said Road to a point; thence

LOCATION OF PROPERTY: TWIN HILL ROAD, HUBBARDSTON, MA.

N. 27 degrees 59' 07" W.	96.29 feet along said Road to a point; thence
N. 23 degrees 47' 04" W.	26.10 feet along said Road to an iron pin; thence
N. 23 degrees 47' 04" W.	69.69 feet along said Road to a point; thence
N. 21 degrees 09' 20" W.	71.73 feet along said Road to a point; thence
N. 20 degrees 09' 08" W.	58.58 feet along said Road to an iron pin; thence
N. 20 degrees 09' 08" W.	39.11 feet along said Road to a point; thence
N. 15 degrees 18' 28" W.	160.89 feet along said Road to an iron pin; thence
S. 89 degrees 43' 25" E.	205.44 feet by land now or formerly of Labrousse to an iron pin; thence
N. 62 degrees 20' 09" E.	416.12 feet by land of said Labrousse to an iron pin; thence
N. 62 degrees 20' 09" E.	150 feet by land of said Labrousse to a point; thence
N. 23 degrees 36' 21" E.	286.29 feet by land of said Labrousse to a point; thence
S. 63 degrees 15' 50" W.	348.98 feet by land of said Labrousse to an iron pin; thence
N. 20 degrees 08' 29" W.	189.73 feet by land now or formerly of Cardogno to a drill hole in a stone wall; thence
N. 63 degrees 49' 14" E.	237.12 feet by land now or formerly of Booth to a point; thence
N. 64 degrees 23' 53" E.	651.14 feet by land of said Booth to a drill hole at the end of a stone wall; thence
N. 64 degrees 23' 53" E.	114 feet, more or less, to a point in the centerline of the Ware River; thence
Southerly	1510 feet, more or less, by the centerline of the Ware River to a point at land of the Commonwealth; thence
S. 58 degrees 26' 48" W.	27 feet, more or less, to the point of beginning.

Containing 30.076 acres, more or less, and shown as Lots 3, 4, 5, and 6, and Backlot 7, on a plan dated July 7, 1987, and recorded with the Worcester District Registry of Deeds as Plan 108 in Plan Book 579.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Twin Hill Road which may be held by the supposed owners, and being a portion of the premises described in a deed from Frederic P. Labrousse, et ux, to Raymond T. Cardogno, et ux, dated August 3, 1987, and recorded with said Deeds in Book 10685, Page 171.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Raymond T. Cardogno and Kathryn L. Cardogno	$ 175,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $175,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $181,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.32 aces of land owned by Mary M. Kristoff, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $265,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $272,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.32 aces of land owned by Mary M. Kristoff, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in the westerly part of said Sterling, known as the Hosmer Lot, and situated on the northerly side of the road leading from Sterling to Oakdale, being the same premises described in a deed recorded with the Worcester District Registry of Deeds in Book 2490, Page 514, and supposed to contain about 11.32 acres, more or less, and bounded as follows:

BEGINNING at the southeasterly corner thereof; thence
N. 25 degrees E. six rods to an angle; thence
N. 56 1/2 degrees E. six rods; thence
N. 46 1/2 degrees E. seven rods and eight links; thence
N. 29 degrees W. eight rods; thence
N. 37 degrees E. eleven and one-half rods to an oak stump; thence
N. 74 2/3 degrees W. sixteen and one-half rods to a black oak; thence
N. 9 degrees W. twenty-three and one-half rods; thence
N. 64 degrees W. two rods and fifteen links; thence
S. 39 1/2 degrees W. forty-six rods; thence
S. 17 1/2 degrees E. thirty-four rods to said road; thence twenty-six rods by said road to the place of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and

LOCATION OF PROPERTY: MUDDY POND ROAD, STERLING, MA.

including any and all fee interest in Muddy Pond Road which may be held by the supposed owners, and being the same premises described as Parcel 3 in a deed from Catherine Kristoff to Mary M. Kristoff, dated June 1, 1986, and recorded with said Deeds in Book 9781, Page 23.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Mary M. Kristoff	$ 265,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $265,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $272,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 5 acres of land owned by Pamela G. Stafford a/k/a Pamela G. Barber, located in the Town of Wendell, Massachusetts, and to approve an award of damages in the amount of $7,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $7,600.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 5 acres of land owned by Pamela G. Stafford a/k/a Pamela G. Barber, located in the Town of Wendell, MA.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Wendell in the County of Franklin and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Wendell, on the westerly side of the Cooleyville Road, bounded and described as follows:

Bounded on the North by land known as the Jerry Sibley Lot;
Bounded on the East by the road leading from Wendell Center to Cooleyville;
Bounded on the South by the Town Line between Wendell and Shutesbury; and
Bounded on the West by land now or formerly of Jennison, and a wire fence.

Containing five acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Cooleyville Road which may be held by the supposed owner, and being the same premises described in a deed from Joseph A. Stafford to Joseph A. Stafford, et ux, dated November 21, 1986, and recorded with Franklin County Registry of Deeds in Book 2033, Page 191.

LOCATION OF PROPERTY: COOLEYVILLE ROAD, WENDELL, MA.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Pamela G. Stafford a.k.a. Pamela G. Barber	$ 7,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $7,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $7,600.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 20.04 acres of land owned by Fred L. Scales and Elsie G. Scales, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $40,080.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $41,500.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 20.04 acres of land owned by Fred L. Scales and Elsie G. Scales, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated on the southerly side of Laurel Street in that part of said West Boylston called Oakdale, bounded and described as follows:

Beginning at the intersection of stone walls at the northeasterly corner of said parcel, with said point of beginning being located the following four (4) courses from a concrete bound situated on the southerly layout line of said Laurel Street,
S. 77 degrees 20' 00" W. 337.43 feet;
S. 32 degrees 36' 26" E. 188.80 feet;
S. 34 degrees 19' 34" E. 174.19 feet;
S. 32 degrees 58' 43" E. 382.78 feet; thence from said point of beginning
S. 34 degrees 49' 36" E. a distance of 210.21 feet to a point in an old barbed wire fence; thence
S. 33 degrees 09' 53" E. a distance of 232.28 feet to an angle point in said fence; thence
S. 38 degrees 14' 33" E. a distance of 316.31 feet to a drill hole in a stone bound found; the previous three (3) courses bounding by land now or formerly of REW Realty Trust; thence

LOCATION OF PROPERTY: LAUREL STREET, WEST BOYLSTON, MA.

S. 69 degrees 12' 35" W.	a distance of 528.57 feet to a drill hole in a stone bound found; thence
S. 43 degrees 29' 57" W.	a distance of 375.83 feet to a point; the previous two (2) courses bounding by land of the Commonwealth of Massachusetts; thence
N. 27 degrees 36' 08" W.	a distance of 58.00 feet to a point; thence
S. 43 degrees 29' 57" W.	a distance of 376.00 feet to a point; thence
N. 27 degrees 36' 08" W.	a distance of 389.30 feet to a stone bound; the previous three (3) courses bounding by land of owners unknown; thence
N. 67 degrees 28' 15" E.	a distance of 168.45 feet to a point at the remains of an old barbed wire fence in a tree; thence
N. 65 degrees 44' 50" E.	a distance of 99.10 feet to a point at the remains of an old barbed wire fence in a tree; thence
N. 68 degrees 13' 39" W.	a distance of 71.05 feet to a point at the remains of an old barbed wire fence in a tree and a stone wall; thence
N. 33 degrees 37' 56" W.	a distance of 44.49 feet to a point at the intersection of stone walls; thence
N. 33 degrees 13' 42" W.	a distance of 239.74 feet to a point at the end of a stone wall; thence
N. 58 degrees 47' 27" W.	a distance of 9.93 feet to a point at the beginning of a stone wall; thence
N. 31 degrees 38' 49" W.	a distance of 201.10 feet to a point on said stone wall; thence
N. 32 degrees 29' 38" W.	a distance of 400.04 feet to a point at the intersection of stone walls; the previous eight (8) courses bounding by land of Monkiewics; thence
N. 84 degrees 42' 40" E.	a distance of 53.29 feet to a point at the end of a stone wall; thence
N. 83 degrees 00' 26" E.	a distance of 10.86 feet to a point at the beginning of a stone wall; thence

N. 85 degrees 55' 54" E.	a distance of 205.78 feet to a point at the end of a stone wall; thence
N. 74 degrees 51' 29" E.	a distance of 20.79 feet to a point at the beginning of a stone wall; thence
N. 89 degrees 20' 49" E.	a distance of 138.31 feet to an angle point at the end of a stone wall; thence
S. 21 degrees 06' 03" E.	a distance of 68.79 feet to a point at the end of a stone wall; thence
N. 76 degrees 38' 07" E.	a distance of 60.15 feet to a point at the beginning of a stone wall; thence
N. 76 degrees 08' 05" E.	a distance of 158.81 feet to a point at the end of a stone wall; thence
N. 74 degrees 51' 43" E.	a distance of 73.14 feet to a point at the beginning of a stone wall; thence
N. 74 degrees 56' 41" E.	a distance of 39.17 feet to an angle point at a stone wall; thence
N. 83 degrees 03' 15" E.	a distance of 140.98 feet to a point at the end of a stone wall; thence
N. 85 degrees 27' 16" E.	a distance of 8.80 feet to a point at the beginning of a stone wall; thence
N. 68 degrees 21' 07" E.	a distance of 24.45 feet to a point at the intersection of stone walls and being the point of beginning; the previous thirteen (13) courses bounding by other land of Scales.

Containing 20.04 acres, more or less, and being shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - West Boylston (Worcester County) Mass. - Land Taking Plan for Watershed Protection", prepared by Greenman-Pederson, Inc., which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from Elsie G. Scales to Fred L. Scales, et ux, dated December 15, 1970, and recorded with said Deeds in Book 5084, Page 450.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Fred L. Scales and Elsie G. Scales	$ 40,080.00

The Commission further V O T E D: to approve an award of damages in the amount of $40,080.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $41,500.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6 and 2/3 acres of land owned by Valborg M. Sundquist, located in the town of Holden, Massachusetts, and to approve an award of damages in the amount of $20,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $21,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 6 and 2/3 acres of land owned by Valborg M. Sundquist, located in the town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Holden on the westerly side of Wachusett Street, bounded and described as follows:

Beginning at a drill hole in a stone set on the westerly line of Wachusett Street at land now or formerly of Wernholm; thence

N. 73 degrees 27' W.	299.5 feet by a stone wall and land of said Wernholm; thence
N. 73 degrees 12' W.	279.10 feet by a stone wall and land of said Wernholm to an iron pin set at the corner of stone walls; thence
N. 85 degrees 29' W.	41.21 feet by land of said Wernholm; thence
N. 31 degrees 30' W.	160.2 feet by land of said Wernholm; thence
Westerly	35 feet, more or less, by land of said Wernholm to the shore of Unionville Pond; thence
Southerly	850 feet, more or less, by the shoreline of said Pond and by a brook to land now or formerly of Coolidge; thence
S. 88 degrees 00' E.	363 feet by land of said Coolidge; thence

LOCATION OF PROPERTY: WACHUSETT STREET, HOLDEN, MASSACHUSETTS

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N. 02 degrees 00' E. 255.4 feet by land now or formerly of Crawford; thence
S. 88 degrees 00' E. 105.01 feet by land of said Crawford; thence
N. 05 degrees 08' E. 365.6 feet by land now or formerly of Widing; thence
S. 73 degrees 27' E. 249.10 feet by land of said Widing to the westerly line of Wachusett Street; thence
N. 14 degrees 02' E. 8 feet by the westerly line of Wachusett Street to the point of beginning.

Containing approximately 6 2/3 acres, as shown on a plan dated June 13, 1945, and recorded with Worcester District Registry of Deeds as Plan 98 in Plan Book 135.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Wachusett Street and fee interest and other rights in and to Unionville Pond which may be held by the supposed owner, and being the same premises described in a deed from John K. Smith, et ux, to John F. Sundquist, et ux, dated May 31, 1966, and recorded with said Deeds in Book 4668, Page 322.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Valborg M. Sundquist	$ 20,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $20,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $21,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 326.78 acres of land owned by Worcester Natural History Society d/b/a New England Science Center, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $410,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $417,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 326.78 acres of land owned by Worcester Natural History Society d/b/a New England Science Center, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in the northwesterly part of said Rutland, more particularly bounded and described as follows:

Northerly by land now or formerly of Daniel Spooner and William H. Brooks;
Easterly by land now or formerly of Rufus B. Miles, Horace King, James Heffron and J. Milon Skinner;
Southerly by land now or formerly of Rufus B.Miles; and
Westerly by land now or formerly of Francis Hapgood, Alfred T. Pollard, William B. Foster, F.C. Bigelow, Paul Wheeler and Richard Cody.

Containing 326.78 acres, more or less, and being the same premises said to contain 245 acres, more or less, in the deed from F. Harold Daniels, et ux, to Worcester Natural History Society, dated November 30, 1950, and recorded with Worcester District Registry of Deeds in Book 3307, Page 255. Meaning and intending to take hereby a watershed preservation restriction and conservation easement, in perpetuity, on the premises as owned and occupied by the below referenced owner of record, situated on both the northerly and the southerly sides of Sassawanna Road and on the easterly side of Charnock Hill Road.

LOCATION OF PROPERTY: SASSAWANNA AND CHARNOCK HILL ROADS, RUTLAND, MA.

The aforementioned parcel is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Worcester Natural History Society d/b/a New England Science Center	326.78 acres ±

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described:

1. No use of said premises except for those purposes which are consistent with and related to the study, preservation, protection and enhancement of the environment and the ecology of said parcel and the surrounding area, as such are consistent with the mission and goals of the Metropolitan District Commission and the Worcester Natural History Society, and as contemplated within Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts. Such purposes include but are not limited to, field study for the natural sciences, in cooperation with any established institution of higher education or private groups, and the establishment of study centers or campgrounds to advance appreciation for or study of the environment.

2. No use of said premises for primary residential purposes, except for the house which is currently situated on said premises on the northerly side of Sassawanna Road.

3. No construction or placing of buildings or structures within one hundred (100) feet of the waterline of the Pond as situated on said premises.

4. No construction or placing of buildings and structures (including septic systems) on any part of the premises, except for that portion of said premises within one thousand (1000) feet from the northerly sideline of Sassawanna Road and the easterly sideline of Charnock Hill Road, as said roads are presently laid out.

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land.

6. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or as determined by any and all applicable local, state and federal laws, statutes, regulations, ordinances and guidelines.

The maintenance, restoration, replacement, reconstruction and enlargement of new or existing buildings and structures within the defined developable area, is expressly permitted under this restriction and easement; furthermore, the construction or placing and maintenance, repair and operation of new or existing utility systems, roads, ways and paths on said premises both within and without the defined developable area required for the operation and use of said buildings and structures, is expressly permitted under this restriction and easement.

The watershed preservation restriction and conservation easement hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

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The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Worcester Natural History Society d/b/a New England Science Center	$ 410,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $410,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $417,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 12.9 acres of land owned by REF Corp., the trustees of Pond View Condominium Trust, and Richard F. Halfrey and Joan M. Halfrey, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $120,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $125,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 12.9 acres of land owned by REF Corp., the trustees of Pond View Condominium Trust, and Richard F. Halfrey and Joan M. Halfrey, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land located in said Hubbardston, and bounded and described as follows:

Beginning at a drill hole on the southerly side of land now or formerly of Winchendon Savings Bank at land now or formerly of Berthold 830 feet, more or less, west of Barre Road; thence

S. 33 degrees 38' 27" E.	198.27 feet along land of said Berthold to a stone bound at land now or formerly of Hakala; thence
S. 50 degrees 05' 38" W.	107.65 feet along land of said Hakala to an iron pipe; thence
S. 52 degrees 30' 18" W.	365.09 feet to an iron pipe; thence
S. 50 degrees 36' 09" W.	60.80 feet to an iron pipe; thence
S. 54 degrees 50' 24" W.	162.44 feet to an iron pipe; thence
S. 54 degrees 50' 24" W.	85 feet, more or less, to the centerline of Natty Pond Brook and land of the Commonwealth of Massachusetts; the last four (4) courses along land of said Hakala;

LOCATION OF PROPERTY: BARRE ROAD, HUBBARDSTON, MA.

	thence along the centerline of said Brook 1,920 feet, more or less, to land of said Hakala; thence
N. 65 degrees 08' 07" E.	249 feet, more or less, to a drill hole at the end of a stone wall; thence
N. 65 degrees 08' 07" E.	188.66 feet, more or less, along a stone wall to a drill hole; thence
N. 65 degrees 51' 15" E.	260.68 feet along said wall to a drill at land of said Winchendon Savings Bank; the last three (3) courses along land of said Hakala; thence
S. 26 degrees 52' 31" E.	776.47 feet along land of said Winchendon Savings Bank to a stone bound; thence
S. 50 degrees 05' 38" W.	250.00 feet along land of said Winchendon Savings Bank to the point of beginning.

Containing 12.9 acres, more or less, and shown as Parcel A on a plan entitled "Land Taking Plan for Watershed Protection" prepared for the Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, prepared by Howe Surveying Associates, Inc., and dated June 1991, which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from Weikko R. Holopainen, et al, to Clover Ridge Associates Limited Partnership, dated August 22, 1985, and recorded with said Deeds in Book 8890, Page 88.

Expressly granting hereby a permanent easement and thereby reserving rights of record for the benefit of said Town of Hubbardston and the owners of record, for the purposes of accessing the fire pond and the wells located on the above premises, and for operating, repairing, maintaining and renovating same. Any and all structures, machinery, pipes, equipment and delivery systems relating to said fire pond and said wells, whenever installed or by whichever party, shall remain and shall be the property of the Town of Hubbardston or the owners of record, and are expressly excluded from the property taken hereby.

The above premises comprise a portion of the common area and facilities as submitted to the provisions of Chapter 183A of the General Laws of the Commonwealth of Massachusetts, as amended, by a Master Deed creating the Pond View Condominium, dated September 29, 1989, and recorded with said Deeds in Book 12376, Page 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
REF, Corp., as owner of Units 1A, 1B, 1C, 2A, 2B, 2C and 2D; Richard F. Halfrey and Joan M. Halfrey, as owners of Unit 1D; and Pond View Condominium Trust	$ 120,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $120,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $125,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 153.48 acres of land owned by Arlene J. Lianides, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $262,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $266,400.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 153.48 acres of land owned by Arlene J. Lianides, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Hubbardston, County of Worcester and Commonwealth of Massachusetts, namely:

LOCATION OF PROPERTY: TWIN HILL ROAD, HUBBARDSTON, MA.

PARCEL ONE: A certain tract of land with the buildings thereon, situated about one mile south of the center village in said Hubbardston, containing about one hundred fifteen (115) acres, more or less, and bounded and described as follows: NORTHERLY by land formerly of Appleton Clark and William S. Clark, Jr.; EASTERLY by land now or formerly of Sophia P. Reid and William Stowe, and the River; SOUTHERLY by land now or formerly of Warren Spaulding; and WESTERLY by a town road. Being a part of the Robert Murdock farm and being all that part of said farm situated on the easterly side of said road.

PARCEL TWO: A certain tract of land situated on Barre Road in said Hubbardston bounded and described as follows: BEGINNING at the northwesterly corner thereof in the easterly line of said road, and at land now or formerly of Vincent Campbell; thence N. 58.75 degrees E. by said Campbell land 87.7 rods to the center of a wall at land now or formerly of Sophia Reid; thence S. 28 degrees 50' E. by the center of said wall 55.5 rods; thence S. 67 degrees 10' W. by land now or formerly of Samuel Clark 130.54 rods to the line of said road; thence N. 3 degrees 20' W. by the line of said road 42.68 rods; thence N. 48 degrees 40' E. 12.48 rods; thence N. 19 degrees 48' E. part of the distance by the line of said road 16.66 rods to the place of beginning. Containing 38.48 acres, more or less.

The aforementioned land is supposed to be owned by the following owner:

OWNER	RESTRICTION AREA TAKEN
Arlene J. Lianides	153.48 acres, more or less

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the land hereinabove described:

1. No construction or placing of more than nine (9) buildings or structures or parts thereof, including the dwelling house or any other buildings and structures situated on said property as of the date of the recording of this taking, with an aggregate land area/foot print of more than sixty thousand (60,000) square feet;

2. No construction of any such building or structure on any part of the premises, beyond one thousand (1000) feet in any direction from the dwelling house as now situated on said property;

3. No construction of any such building or structure for dwelling purposes; provided, however, that the temporary use of any such building or structure for dwelling purposes shall be permitted at such time or times whenever the dwelling house is rendered uninhabitable by fire, flood or other casualty or loss; furthermore, the maintenance, restoration, replacement, reconstruction or enlargement of the dwelling house and any and all attendant buildings and structures now or to be situated within said defined one-thousand-foot radius, is expressly permitted under this restriction and easement;

4. No construction or placing of utilities or utility delivery systems, or roads, ways, paths or portions thereof, except as needed for the dwelling house and for attendant buildings and structures now or to be situated on said premises, and except as now legally on, in, over or through said premises;

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain or improve the land for dwelling purposes and for agricultural or pastoral or such other purposes relating to the use of the land for the raising and storage of livestock, including horses, and crops;

6. Except for the parking or garaging of automobiles and other vehicles used and operated by the owners of record and family members in the course of residing on said property and using same for agricultural or pastoral or such other purposes contemplated within this instrument, no storage of automobiles and automotive parts and accessories on said property, except as expressly authorized and permitted to the owners of said property by the Town of Hubbardston and all appropriate local, county and state agencies and authorities; provided, moreover, that said automobiles and automotive parts and accessories shall at all times be garaged, stored, maintained and repaired within one (1) and only one building or structure of the type, size and location permitted by this restriction; and

7. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of the Commonwealth and said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, pursuant to laws and regulations duly enacted or promulgated by the General Court, the Commission, or such other authority or authorities so empowered.

The watershed preservation restriction and conservation easement hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land upon reasonable notice to the owner or owners thereof for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or

other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner or owners, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Arlene J. Lianides	$ 262,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $262,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $266,400.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 50 acres of land owned by Worcester Polytechnic Institute, and/or Holden Educational Resources, Inc., located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $155,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $158,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 50 acres of land owned by Worcester Polytechnic Institute, and/or Holden Educational Resources, Inc., located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden, in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Holden, situated on the southwesterly side of Wachusett Street, being described as follows:

BEGINNING at a point at the northeasterly corner of said parcel, at a bound shown and referred to as Bound XII found on a plan dated March 15, 1989, and recorded with Worcester District Registry of deeds as Plan 80 in Plan Book 619; thence

N. 84 degrees 53' 05" E. 172.47 feet to a point of intersection of the southerly line of Lot 23 as shown on said plan and the westerly line of Lot 22 as shown on said plan; thence
S. 21 degrees 45' 25" E. 919.30 feet to a point at Lot 15 as shown on said plan; thence
N. 67 degrees 48' 36" E. 238.62 feet to a point on the southwesterly line of Wachusett Street; thence
S. 14 degrees 17' 09" E. 50.48 feet along said street to a point at Lot 14 as shown on said plan; thence
S. 67 degrees 48' 36" W. 232 feet to a point; thence
S. 21 degrees 45' 25" E. 108.46 feet to a point; thence

LOCATION OF PROPERTY: WACHUSETT STREET, HOLDEN, MA.

N. 67 degrees 48' 36" E.	219.85 feet to said street; thence
S. 15 degrees 36' 40" E.	32 feet along said street to a point; thence
S. 22 degrees 09' 24" E.	33.39 feet to Lot 12 as shown on said plan; thence
S. 67 degrees 48' 36" W.	216.90 feet to a point; thence
S. 21 degrees 45' 25" E.	400.79 feet to Lot 8 as shown on said plan; thence
N. 68 degrees 14' 35" E.	200 feet to said Wachusett Street; thence
S. 21 degrees 45' 26" E.	124 feet along said street to a point; thence
S. 68 degrees 14' 35" W.	200 feet to a point; thence
Southeasterly	70 feet, more or less, to the point of intersection of the southeasterly line of the Massachusetts Electric Power Easement and the southwesterly line of Lot 7 as shown on said plan; thence
S. 53 degrees 31' 17" W.	610 feet, more or less, along said easement line to a point; thence
S. 30 degrees 40' 52" W.	727.04 feet along said easement line to a point shown on a plan dated August 24, 1989, and recorded with said Deeds as Plan 59 in Plan Book 625; thence
S. 41 degrees 18' 51" W.	34.29 feet to a point; thence
N. 53 degrees 42' 40" W.	836.11 feet to a drill hole set at the locus of Bound IV as shown on said plan; thence
N. 14 degrees 06' 12" E.	1,016 feet to a gun barrel set at the locus of Bound V as shown on said plan, by land now or formerly of McLaughlin; thence
S. 83 degrees 37' 49" E.	607.54 feet to a gun barrel set at the locus of Bound VI as shown on said plan, by land now or formerly of Wisniewski; thence
Northerly	774 feet, more or less, by the westerly bank of Chaffins Brook to a gun barrel set at the locus of Bound XII as shown on said plan, by land of said Wisniewski; thence
N. 82 degrees 34' 47" W.	65.98 feet to a gun barrel set at the locus of Bound XIII as shown on said plan, by land of said Wisniewski; thence

N. 14 degrees 15' 24" E.	333.21 feet to a gun barrel set at the locus of Bound IX as shown on said plan, by land of said Wisniewski; thence
N. 85 degrees 42' 28" E.	33 feet to a gun barrel set at the locus of Bound X as shown on said plan; thence
Northerly	221 feet, more or less, by the westerly bank of said brook to a point; thence
N. 84 degrees 14' 14" E.	165 feet, more or less, to Bound XII found as referred to on both of said plans, as above, and the point of beginning.

Containing approximately 50 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in said Wachusett Street which may be held by the supposed owners insofar as said parcel is bounded by said street.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Worcester Polytechnic Institute, and/or Holden Educational Resources, Inc., and/or Holden Educational Holdings, Inc.	$ 155,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $155,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $158,000.00.

1. Report of Mr. Gray, June 21, recommending that the Commission adopt an Order of Taking for acquisition of approximately 31.5 acres of land owned by Roland J. Levesque, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $80,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $82,500.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 31.5 acres of land owned by Roland J. Levesque, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 21, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

Three (3) certain parcels situated in the westerly part of said Sterling, described as follows:

Parcel 1.

BEGINNING at the southwesterly corner thereof at a stake and stones at land formerly of Milton Buss;
THENCE N. 28 degrees 50' E. by land formerly of Levi Stuart 68 rods 4 1/2 links to a stake and stones at land formerly of F. Wilder;
THENCE by said Wilder land S. 82 1/2 degrees E. 20 rods to a stake and stones;
THENCE S. 9 1/4 degrees E. 35 3/4 rods to an oak stump;
THENCE S. 66 degrees W. 43 rods 23 1/2 links to a stake and stones at land formerly of Milton Buss;
THENCE by last named land S. 77 degrees 10' W. 18 rods 19 links to the place of beginning.

Containing 11 acres, more or less, and known as the Meadow Lot.

LOCATION OF PROPERTY: ROUTE 140, REDEMPTION ROCK TRAIL, STERLING, MA.

Parcel 2.

BEGINNING at a stake and stones at the northeasterly corner thereof;
THENCE S. 26 degrees W. 68 rods to a stake and stones;
THENCE S. 73 degrees W. 3 rods to a marked walnut tree;
THENCE Southwesterly to the river and up the river in the center 37 rods to stones near a basswood tree;
THENCE N. 7 degrees E. 4 rods to a heap of stones;
THENCE N. 12 1/4 E. 63 rods to a stake and stones;
THENCE S. 85 degrees E. 53 rods to the bound first mentioned.

This parcel is known as the Stuart-Morse Lot.

Parcel 3.

BEGINNING at a point on the easterly side of Route 140 (the County Road leading from West Boylston to Princeton) said point being 150 feet northerly of the river;
THENCE winding and curving easterly and southerly on a line parallel with and 150 feet distant from said river a distance of 560 feet, more or less, to other land of Tracy J. Calcia, Jr.;
THENCE Southerly 150 feet by other land of said Calcia to the River;
THENCE winding and curving northerly and westerly by said river 560 feet more or less to the easterly side of said Route 140;
THENCE Northerly by the easterly side of said Route 140 150 feet to the point of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Route 140 which may be held by the supposed owner, and being the same premises described in a deed from George A. Fuller to Roland J. Levesque, dated September 21, 1990, and recorded with Worcester District Registry of Deeds in Book 13033, Page 239. The more precise configuration of the premises taken hereby shall be shown on a plan entitled "Land Taking Plan for Watershed Protection" for the Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, prepared by Merrimack Engineering Services, Inc., and dated June 1991, which plan shall be recorded with said Deeds and made a part of this order.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Roland J. Levesque	$ 80,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $80,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $82,500.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 56.3 acres of land owned by John L. Berthold and Linda A. Berthold, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $280,500.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $288,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 56.3 acres of land owned by John L. Berthold and Linda A. Berthold, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991

LOCATION OF PROPERTY: TWIN HILL ROAD, HUBBARDSTON, MA.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, in fee for watershed preservation, protection and operation purposes, in the name and behalf of the Commonwealth of Massachusetts, in the following described land situated in the Town of Hubbardston, County of Worcester and Commonwealth of Massachusetts, namely:

A portion of that certain parcel of land with the buildings situated thereon located on the easterly side of Twin Hill Road, Hubbardston, Massachusetts, which certain parcel is shown on a plan entitled "Plan of Land Surveyed for Robert J. & Nancy A. Booth in Hubbardston, Mass.", dated December 22, 1987, and recorded with the Worcester District Registry of Deeds in Plan Book 592, as Plan 30, being more particularly bounded and described as follows:

BEGINNING at the northwest corner of the lot herein described at a point on the easterly line of Twin Hill Road;

THENCE north 63 degrees 58' 00" east 120.86 feet to a point;
THENCE north 64 degrees 56' 50" east 277.24 feet to a point;
THENCE north 65 degrees 19' 49" east 178.73 feet to a point;
THENCE north 64 degrees 35' 34" east 225.87 feet to a point;
THENCE north 65 degrees 12' 07" east 380.11 feet to a point;
THENCE north 64 degrees 47' 03" east 259.07 feet to a point;
THENCE north 65 degrees 24' 19" east 218.04 feet to a point shown as Tie Point A on said plan;
THENCE north 64 degrees 24' 19" east 73± feet to a point in the center line of the Ware River (West Branch);
THENCE southerly by the center line of the Ware River 2,200± feet to a point;
THENCE south 64 degrees 23' 53" west 100± feet to a point in a stone wall shown as Tie Point B on said plan;

THENCE south 64 degrees 23' 53" west by a stone wall 648.86 feet to an iron pipe, the last two courses being by land now or formerly of Frederick P. and Anna S. Labrousse;
THENCE north 80 degrees 02' 39" west by land now or formerly of Calvin R. and Barbara J. Booth 709.34 feet to a point at an iron pipe on the easterly line of Twin Hill Road;
THENCE north 11 degrees 44' 15" east 66.23 feet to a point;
THENCE north 9 degrees 58' 30" east 37.64 feet to a point;
THENCE north 12 degrees 42' 59" east 88.54 feet to a point;
THENCE north 8 degrees 09' 01" east 297.38 feet to a point;
THENCE north 4 degrees 35' 40" east 86.65 feet to a point;
THENCE north 1 degree 02' 47" east 41.20 feet to a point;
THENCE north 12 degrees 25' 34" west 99.52 feet to a point;
THENCE north 21 degrees 45' 41" west 167.26 feet to a point;
THENCE north 36 degrees 05' 08" west 85.60 feet to a point, the last nine courses being along a stone wall and by the easterly line of Twin Hill Road;
THENCE north 30 degrees 33' 06" west 49.83 feet to a point;
THENCE north 24 degrees 42' 09" west 38.07 feet to a point;
THENCE north 8 degrees 40' 09" west 43.62 feet to a point;
THENCE north 5 degrees 07' 19" east 42.47 feet to a point;
THENCE north 13 degrees 34' 49" east 134.58 feet to a point;
THENCE north 5 degrees 55' 41" east 61.07 feet to a point on the southerly line of Holden Road as shown on said plan, the last six courses being by the easterly line of Twin Hill Road;
THENCE south 66 degrees 14' 38" east 263.51 feet to a point;
THENCE south 63 degrees 52' 48" east 150.13 feet to a point;
THENCE south 58 degrees 18' 58" east 34.05 feet to a point;
THENCE south 51 degrees 05' 01" east 31.99 feet to a point;
THENCE south 23 degrees 55' 36" east 22.59 feet to a point, the last five courses being by the southerly line of Holden Road and by a broken stone wall;
THENCE north 8 degrees 08' 07" west 89.94 feet to a point by the easterly line of Holden Road, shown on the plan as the End of Holden Road per town records;
THENCE north 69 degrees 10' 26" west 292.14 feet to a point;
THENCE north 59 degrees 41' 45" west 73.93 feet to a point;
THENCE north 66 degrees 45' 59" west 90.71 feet to a point, the last three courses being by the northerly line of Holden Road and along a broken stone wall;
THENCE north 43 degrees 58' 06" west 13.15 feet to a point;
THENCE north 33 degrees 34' 00" west 28.32 feet to a point;
THENCE north 25 degrees 38' 57" west 38.48 feet to the point of beginning, the last three courses being by the easterly line of Twin Hill Road and by a stone wall.

Containing 56.3 acres, more or less, and being that parcel described in a deed from Robert J. Booth et al to John L,. Berthold et ux, dated February 15, 1988, and recorded with Worcester District Registry of Deeds in Book 11149, Page 184, howsoever the same may be bounded and described; but expressly taking in fee hereby a portion of said parcel containing 46.3 acres of land, and expressly excluding from the premises so taken in fee, that remaining portion of said parcel containing 10 acres, more or less, as shown on a plan entitled "Land Taking Plan for Watershed Protection - Commonwealth of Massachusetts - Metropolitan District Commission - in Hubbardston, MA", prepared by Brian M. Szoc, and dated June 21, 1991, which plan shall be recorded with said Deeds and which plan delineates the ten-acre area portion of said premises which shall be taken as below for a watershed preservation restriction and conservation easement.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land, namely:

The remaining portion of the parcel containing 56.3 acres, as above described, which portion contains 10 acres of land and the buildings thereon, and which is more precisely shown on the plan of land entitled "Land Taking Plan for Watershed Protection - Commonwealth of Massachusetts - Metropolitan District Commission - in Hubbardston, MA", prepared by Brian M. Szoc and dated June 21, 1991, which plan shall be recorded with said Deeds and made a part of this order.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
John L. Berthold and Linda A. Berthold	10 acres, more or less

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the ten-acre parcel of land hereinabove described:

1. No construction or placing of more than nine (9) buildings or structures or parts thereof, including the dwelling house or any other buildings and structures situated on said property as of the date of the recording of this taking, with an aggregate land area/foot print of more than twenty thousand (20,000) square feet;

2. No construction of any such building or structure (including a below-ground or an above-ground swimming pool) beyond the said ten-acre parcel, as delineated on said plan;

3. No construction of any such building or structure for dwelling purposes; provided, however, that the temporary use of any such building or structure for dwelling purposes shall be permitted at such time or times whenever the dwelling house is rendered uninhabitable by fire, flood or other casualty or loss; furthermore, the maintenance, restoration, replacement, reconstruction or enlargement of the dwelling house and any and all attendant buildings and structures now or to be situated within said ten-acre parcel, is expressly permitted under this restriction and easement;

4. No construction or placing of utilities or utility delivery systems, or roads, ways, paths or portions thereof, except as needed for the dwelling house and for attendant buildings and structures, and except as now legally on, in, over or through said premises;

5. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain or improve the land for dwelling purposes and for agricultural or pastoral or such other purposes relating to the use of the land for the raising and storage of livestock, including horses, and crops; and

6. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of the Commonwealth and said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, pursuant to laws and regulations duly enacted or promulgated by the General Court, the Commission, or such other authority or authorities so empowered.

The watershed preservation restriction and conservation easement hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land upon reasonable notice to the owner or owners thereof for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner or owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John L. Berthold and Linda A. Berthold	$ 280,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $280,500.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $288,000.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 120.783 acres of land owned by Williamsville Road Realty, Inc., located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $235,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $241,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 120.783 acres of land owned by Williamsville Road Realty, Inc., located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

LOCATION OF PROPERTY: WILLIAMSVILLE ROAD, HUBBARDSTON, MA.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land in the westerly part of said Hubbardston on Burnshirt Hill, so-called, containing 119 acres, more or less, being bounded and described as follows:

Beginning at the southwesterly corner thereof at a stake and stones by land now or formerly of Oliver Hale;
Thence N. 57 1/4 degrees E. by land now or formerly of Follet 77 1/4 rods to a stake and stones;
Thence N. 8 degrees W. by land now or formerly of Dunton 73 rods to a stake and stones;
Thence N. 59 1/2 degrees E. 16 rods to a stake and stones;
Thence N. 33 1/4 degrees W. by land now or formerly of Earle 109 1/2 rods to a stake and stones at a corner of the wall;
Thence S. 57 degrees W. by land now or formerly of said Earle and now or formerly of Raymond 119 1/4 rods to a stake and stones at a corner of the wall;
Thence on a straight line to the first mentioned corner by land of said Hale 176 rods.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the same premises described in a deed from Marguerite E. Wiswell, et al, to Williamsville Road Realty, Inc., dated

August 17, 1987, and recorded with Worcester District Registry of Deeds in Book 10777, Page 145, the more precise configuration of said premises, containing 120.783 acres, being shown as Parcel A on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Hubbardston (Worcester County) MA - Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, P.C., and dated June 17, 1991, which plan shall be recorded with said Deeds and made a part of this order.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Williamsville Road Realty, Inc.	$ 235,400.00

The Commission further V O T E D: to approve an award of damages in the amount of $235,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $241,000.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 65.084 acres of land owned by William H. Rivers and Lorna E. Rivers, located in the Town of Hubbardston, Massachusetts, and to approve an award of damages in the amount of $325,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $333,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 65.084 acres of land owned by William H. Rivers and Lorna E. Rivers, located in the Town of Hubbardston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Five certain tracts of land situated in said Hubbardston, and being part of the Estate of F. Oren Marean, as described in a deed from Alfred S. Marean, et al, to William H. Rivers, et ux, dated September 25, 1968, and recorded with Worcester District Registry of Deeds in Book 6035, Page 284, said tracts referenced within said deed as follows:

"Tract 1": A certain tract of land comprising twenty (20) acres, more or less, and known as the "Davis Land" and recorded with said Deeds in Book 1232, Page 12;

"Tract 2": A certain tract of land comprising fifteen (15) acres, more or less, and known as the "Loring Land" and recorded with said Deeds in Book 1165, Page 395;

"Tract 3": A certain tract of land comprising twelve (12) acres, more or less, and known as the "Clark Land" and recorded with said Deeds in Book 1033, Page 246;

"Tract 5": A certain tract of land comprising eight (8) acres, more or less, and known as the "Pierce Land" and recorded with said Deeds in Book 1229, Page 392; and

"Tract 6": A certain tract of land comprising six and one-half (6 1/2) acres, more or less, and known as the "Reid Land" and recorded with said Deeds in Book 779, Page 566.

Containing approximately 61.5 acres, more or less, according to said deed, but with a more precise configuration of 65.084 acres being shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Hubbardston (Worcester County) MA - Land Taking Plan for Watershed Protection", prepared by C.T. Malle Associates, P.C., and dated June 18, 1991, which plan shall be recorded with said Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
William H. Rivers and Lorna E. Rivers	$ 325,400.00

The Commission further V O T E D: award of damages in the amount of $325,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $333,000.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 56.468 acres of land owned by Donato P. DiPaoli, located in the Towns of Barre and Hubbardston, Massachusetts, and to approve an award of damages in the amount of $310,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $318,000.00. (Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 56.468 acres of land owned by Donato P. DiPaoli, located in the Towns of Barre and Hubbardston, Massachusetts.

LOCATION OF PROPERTY: WILLIAMSVILLE ROAD, BARRE & HUBBARDSTON, MA.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Towns of Barre Hubbardston in the County of Worcester and Commonwealth of Massachusetts, namely:

Parcel 1.

A certain parcel of land situated in said Barre and said Hubbardston lying southerly of Williamsville Road and more particularly bounded and described as follows:

BEGINNING at a concrete bound set in the southerly line of Williamsville Road, said bound marking the northeasterly corner of land now or formerly of Murray and Payne; thence
N. 54 degrees 09' 51" E. 442.85 feet to a point; thence
N. 56 degrees 02' 48" E. 135.34 feet to a concrete bound; the last two courses along the southerly line of Williamsville Road; thence
S. 24 degrees 13' 03" W. 215.60 feet to an iron pipe; thence
S. 43 degrees 04' 57" E. 93.36 feet to an iron pipe; thence
S. 43 degrees 04' 57" E. 20.7 feet, more or less, to a point in the center of Burnshirt River; thence
Northerly 430 feet, more or less, along the center of said river to a point, said point being N. 30 degrees 54' 05" E. 404.46 feet from the last

	mentioned iron pipe; the last four courses along land now or formerly of Cormier; thence
N. 61 degrees 05' 30" E.	13.22 feet to a point; thence
N. 75 degrees 14' 20" E.	192.94 feet to a concrete bound; the last two courses along said road; thence
S. 03 degrees 39' 37" W.	220.29 feet to a concrete bound; thence
S. 05 degrees 37' 18" E.	234 feet to a concrete bound; thence
S. 83 degrees 17' 15" E.	269.46 feet to a concrete bound in a stone wall; the last three courses along land now or formerly of DiPaoli; thence
S. 21 degrees 52' 54" E.	95.03 feet by a stone wall to a concrete bound, by land now or formerly of Vallee; thence
S. 09 degrees 13' 48" W.	124 feet by a stone wall to a drill hole; thence
S. 37 degrees 31' 12" W.	45.94 feet by a stone wall to a drill hole; thence
S. 49 degrees 24' 54" W.	98.90 feet by a stone wall to a concrete bound; thence
S. 48 degrees 20' 06" W.	118.51 feet to an 18" hemlock, blazed, in a wire fence; thence
S. 64 degrees 17' 44" W.	57.62 feet to a 15" maple, blazed, in a wire fence; thence
S. 57 degrees 56' 26" W.	167.19 feet to a 12" yellow birch, blazed, in a wire fence; thence
S. 50 degrees 13' 01" W.	172.11 feet to an 8" yellow birch, blazed, in a wire fence; thence
S. 45 degrees 46' 01" W.	143.33 feet to a 14" hemlock, blazed, in a wire fence; thence
S. 52 degrees 49' 33" W.	131.41 feet to a concrete bound; thence
S. 71 degrees 07' 53" W.	104.22 feet to a concrete bound; thence
S. 71 degrees 07' 53" W.	40 feet, more or less, to a point in the center of said river; thence
Southerly	1,846 feet, more or less, along the center of said river to a point; the last twelve courses along land now or formerly of Thompson; thence
S. 77 degrees 25' 21" W.	81 feet, more or less, to an MDC stone bound, being S. 07 degrees 11' 11" E. 1734.24 feet from the

	last mentioned concrete bound; thence
S. 77 degrees 21' 12" W.	718.14 feet to an MDC stone bound; the last two courses along land of the Commonwealth of Massachusetts; thence
Northerly	on a curve to the right of radius 1399.68 feet an arc length of 469.77 feet to a point, said point being N. 02 degrees 25' 19" E. 467.57 feet from the last mentioned bound; thence
N. 12 degrees 02' 13" E.	395 feet to a point; thence
S. 77 degrees 57' 47" E.	8.25 feet to a point; thence
N. 12 degrees 02' 13" E.	300 feet to a point; thence
N. 77 degrees 57' 47" W.	8.25 feet to a point; thence
N. 12 degrees 02' 13" E.	62 feet to a point; thence
Northerly	on a curve to the left of radius 2055.40 feet an arc length of 140.31 feet to a point, said point being N. 10 degrees 04' 53" E. 140.28 feet from the last mentioned point; thence
Northerly	on a curve to the left of radius 1465.69 feet an arc length of 614.08 feet to a point, said point being N. 03 degrees 52' 37" W. 609.60 feet from the last mentioned point; thence
N. 15 degrees 52' 47" W.	420 feet to a point; thence
Northerly	on a curve to the left of radius 1943.08 feet an arc length of 30.83 feet to a concrete bound, said bound being N. 16 degrees 20' 03" W. 30.82 feet from the last mentioned point; the last ten courses along land of the Commonwealth; thence
S. 73 degrees 56' 51" E.	58.41 feet by a stone wall to a drill hole; thence
S. 35 degrees 05' 10" E.	48.76 feet by a stone wall to a drill hole; thence
S. 29 degrees 58' 21" E.	83.25 feet by a stone wall to a concrete bound; thence
N. 64 degrees 17' 21" E.	94.10 feet to a concrete bound; thence
N. 26 degrees 24' 33" W.	222.42 feet partly by a stone wall to a concrete bound; the last five courses along land now or formerly of Harty; thence

N. 54 degrees 23' 18" E. 134.76 feet to a concrete bound; thence
N. 34 degrees 35' 42" W. 168.59 feet to the point of beginning, the last two courses along land of said Murray and Payne.

Containing 39.175 acres, more or less, and being shown as Parcel A on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Barre and Hubbardston (Worcester County) MA - Land Taking Plan for Watershed Protection", prepared by C.T. Male Associates, P.C., and dated June 26, 1991, which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order.

Parcel 2.

A certain parcel of land situated in said Hubbardston lying northerly of Williamsville Road, easterly of Williamsville-Temple Road, and northeasterly of a way known as Cross Street, and more particularly bounded and described as follows:

BEGINNING at a drill hole in a stone wall in the northerly line of Williamsville Road, said drill hole marking the southwesterly corner of land now or formerly of Kennington; thence
N. 77 degrees 34' 03" W. 24.59 feet by a stone wall to a point; thence
N. 49 degrees 29' 27" W. 24.04 feet by a stone wall to a point; thence
N. 71 degrees 54' 33" W. 33.21 feet by a stone wall to a point; thence
N. 61 degrees 17' 55" W. 37.79 feet by a stone wall to a point; thence
N. 71 degrees 41' 09" W. 68.00 feet by a stone wall to a point; thence
N. 86 degrees 11' 55" W. 33.79 feet by a stone wall to a point; thence
N. 83 degrees 31' 24" W. 52.31 feet by a stone wall to a point; thence
N. 14 degrees 45' 40" W. 12.75 feet to a point; thence
S. 75 degrees 14' 20" W. 232.18 feet to a point; thence
S. 61 degrees 05' 30" W. 223.58 feet to a point; thence
S. 56 degrees 02' 48" W. 138.33 feet to a point; thence
S. 54 degrees 09' 51" W. 95.08 feet to a point;

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the last twelve courses along the northerly side of Williamsville Road; thence

N. 50 degrees 43' 29" W. 164.02 feet along the northeasterly side of the way known as Cross Street, to a concrete bound; thence

S. 83 degrees 50' 10" E. 50 feet to a concrete bound; thence

N. 06 degrees 09' 50" E. 175 feet to a concrete bound; the last two courses by land now or formerly of the Williamsville Union Sunday School Society; thence

S. 89 degrees 03' 16" E. 148 feet to an iron pipe; thence

N. 13 degrees 33' 51" W. 264.03 feet to a concrete bound; the last two courses by land now or formerly of Nims; thence

N. 02 degrees 52' 04" W. 264.26 feet to an iron pipe; thence

N. 27 degrees 44' 33" W. 160.28 feet to a drill hole in the end of a stone wall; thence

S. 87 degrees 13' 01" W. 85.97 feet to a concrete Worcester County Highway (W.C.H.) bound; the last three courses by land now or formerly of Buckley; thence

N. 41 degrees 50' 10" E. 40.69 feet to a drill hole in a concrete W.C.H. bound; thence

N. 03 degrees 33' 18" E. 138.86 feet to a drill hole in a concrete W.C.H. bound; thence

N. 40 degrees 09' 24" E. 148.22 feet to a drill hole in a concrete W.C.H. bound; the last three courses along the easterly line of Williamsville-Templeton Road; thence

S. 58 degrees 10' 39" E. 150.09 feet to a gun barrel; thence

S. 31 degrees 11' 16" W. 41.40 feet by a stone retaining wall to a drill hole; thence

Southeasterly, easterly and northeasterly along a line of equal elevation to the spillway of an old dam, since reconstructed, at the southeasterly corner of Factory Pond on the parcel described herein 473 feet, more or less, to a concrete bound, said bound being

N. 40 degrees 44' 32" E. 321.64 feet from the last mentioned drill hole; thence

Southeasterly	by said line of equal elevation 5 feet, more or less, to a point on the westerly edge of Burnshirt River; thence
N. 73 degrees 10' 25" E.	12.50 feet to a point in the center of Burnshirt River; the last five courses by land now or formerly of the Covin Development & Building, Inc.; thence
Southerly	250 feet, more or less, along the center of the Burnshirt River to a point; thence
N. 89 degrees 27' 30" E.	76 feet, more or less, to a concrete bound, said bound being S. 33 degrees 20' 42" E. 283.13 feet from the last mentioned bound; thence
S. 61 degrees 08' 54" E.	75 feet to a concrete bound; thence
36 degrees 56' 47" E.	672.04 feet partly by a stone wall to a concrete bound; the last four courses by land now or formerly of Begley; thence
S. 38 degrees 34' 26" W.	35 feet to a concrete bound; thence
S. 04 degrees 36' 44" W.	184.80 feet partly by a stone wall to a drill hole in a stone wall; thence
S. 10 degrees 01' 48" W.	99.00 feet by a stone wall to the point of beginning, the last three courses by land of said Kennington.

Containing 17.293 acres, more or less, and being shown as Parcel B on the above-entitled plan of land.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in the roads and ways as referenced above, which may be held by the supposed owners, and being a portion of the property described in a deed from Eugene O. Turcotte to Donato P. DiPaoli and Ida G. DiPaoli, dated May 25, 1953, and recorded with said Deeds in Book 3506, Page 584.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Donato P. DiPaoli	$ 310,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $310,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $318,000.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6.25 acres of land owned by Carl G. Christianson and Gail F. Christianson, located in the Town of Rutland, Massachusetts, and to approve an award of damages in the amount of $22,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $22,400.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 6.25 acres of land owned by Carl G. Christianson and Gail F. Christianson, located in the Town of Rutland, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Rutland in the County of Worcester and Commonwealth of Massachusetts, namely:

That certain parcel of land situated in said Rutland and bounded and described as follows:

BEGINNING at an iron pipe on the easterly side of Intervale Road at the northwesterly corner of land now or formerly of MacCallum:
THENCE N. 13 degrees 15' 20" E. 310.40 feet by said road to an iron pipe;
THENCE S. 78 degrees 08' 41" E. 464.00 feet by a stone wall to an intersection of stone walls;
THENCE S. 78 degrees 08' 41" E. 531.00 feet to the east branch of the Ware River;
THENCE southerly 260.00 feet by the west side of the east branch of the Ware River;
THENCE N. 74 degrees 07' 49" W. 127.00 feet partly by a stone wall to a point;
THENCE S. 75 degrees 44' 15" W. 78.00 feet partly by a stone wall;
THENCE N. 65 degrees 48' 11" W. 246.63 feet by a stone wall to an iron pipe;
THENCE S. 41 degrees 44' 38" W. 81.30 feet to an iron pipe at the intersection of stone walls;
THENCE N. 81 degrees 01' 58" W. 217.77 feet to a point;
THENCE N. 02 degrees 40' E. 40.51 feet to a point;

THENCE N. 87 degrees 20' W. 190.78 feet to the point of beginning; the last eleven courses by land now or formerly of Spencer, Bigelow and MacCallum.

Containing 6.25 acres, more or less. and being shown on a plan dated August, 1982, and recorded with Worcester District Registry of Deeds as Plan 20 in Plan Book 511, and being the same premises described in the deed from Pauline M. Spencer, et al, to Carl G. Christianson, Jr., et ux, dated September 15, 1983, and recorded with said Deeds in Book 7913, Page 308.

The aforementioned parcel is supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Carl G. Christianson, Jr., and Gail F. Christianson	6.25 acres

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described:

1. No construction or placing of more than seven (7) buildings or structures or parts thereof, including the dwelling house or any other buildings and structures situated on said property as of the date of the recording of this taking, with an aggregate land area/foot print of more than twelve thousand (12,000) square feet;

2. No construction of any such building or structure beyond six hundred (600) feet from the easterly line of Intervale Road;

3. No construction of any such building or structure for dwelling purposes; provided, however, that the temporary use of any such building or structure for dwelling purposes shall be permitted at such time or times whenever the

dwelling house is rendered uninhabitable by fire, flood or other casualty or loss; furthermore, the maintenance, restoration, replacement, reconstruction or enlargement of the dwelling house and any and all attendant buidlings or structures now or to be situated within said developable area, is expressly permitted;

4. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance except as needed to maintain the land, except for purposes relating to construction;

5. No construction or placing of utilities or utility delivery systems, or roads, ways. paths or portions thereof, except as need for the dwelling house and for attendant buildings and structures, and except as now legally on, in, over or through said premises;

6. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such otherauthority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owners, including the right to privacy.

The Commission awards damages sustained by the owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Carl G. Christianson, Jr., and Gail F. Christianson	$ 22,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $22,000.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $22,400.00.

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1. Report of Mr. Gray, June 27, recommending that the Commission adopt an Order of Taking for acquisition of approximately 125 acres of land owned by Henry J. Ciborowski and Elaine M. Ciborowski, and Henry J. Ciborowski as Executor of the Estate of Jacob Ciborowski, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $941,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $990,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 125 acres of land owned by Henry J. Ciborowski and Elaine M. Ciborowski, and Henry J. Ciborowski as Executor of the Estate of Jacob Ciborowski, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 27, 1991.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

Tract I:

A certain parcel of land situated on the southerly side of Crowley Road and and the westerly side of Greenland Road in the Town of Sterling, bounded and described as follows:

BEGINNING at a concrete bound with drill hole set in the southerly layout line of Crowley Road at the northwesterly corner of said parcel and at land now or formerly of Robert F. Cutler; thence

N. 73 degrees 55' 30" E. a distance of 463.81 feet to a point; thence
N. 81 degrees 34' 14" E. a distance of 364.95 feet to a point; thence
N. 74 degrees 38' 52" E. a distance of 108.63 feet to a point; thence
N. 79 degrees 22' 23" E. a distance of 65.17 feet to a point; thence
N. 78 degrees 16' 29" E. a distance of 102.31 feet to a point; thence
N. 84 degrees 23' 48" E. a distance of 42.42 feet to a point; thence
N. 88 degrees 05' 05" E. a distance of 99.89 feet to a point; thence

N. 80 degrees 05' 04" E.	a distance of 52.76 feet to a point; thence
N. 72 degrees 02' 04" E.	a distance of 402.54 feet to a point in the westerly layout line of said Greenland Road, the previous nine (9) courses bounding on said Crowley Road; thence
S. 54 degrees 03' 24" E.	a distance of 158.48 feet to a point; thence
S. 50 degrees 38' 42" E.	a distance of 161.27 feet to a point; thence
S. 59 degrees 50' 39" E.	a distance of 308.25 feet to a point, the previous three (3) courses bounding on said Greenland Road; thence
S. 10 degrees 54' 38" W.	a distance of 510.50 feet to a point; thence
S. 04 degrees 08' 37" W.	a distance of 157.74 feet to a point, the previous two (2) courses bounding on land now or formerly of Mary M. Kristoff; thence
S. 72 degrees 28' 52" W.	a distance of 845.77 feet along the remains of a barbed wire fence found, to a point; thence
S. 13 degrees 37' 08" E.	a distance of 231 feet to a point; thence
S. 37 degrees 37' 08" E.	a distance of 231 feet to a point; thence
S. 33 degrees 37' 08" E.	a distance of 165 feet to a point; thence
S. 59 degrees 37' 08" E.	a distance of 181.50 feet to a point; thence
S. 06 degrees 37' 08" E.	a distance of 132 feet to a point; thence
S. 44 degrees 37' 08" E.	a distance of 56.76 feet to a point, the previous seven (7) courses bounding on land now or formerly of Christian and Catherine Kristoff; thence
S. 60 degrees 22' 52" W.	a distance of 451.64 feet to a point on the centerline of the river called Stillwater River, bounding on land of the Commonwealth of Massachusetts; thence
Northwesterly	a distance of 2,070 feet more or less along the centerline of the said Stillwater River to a point;

	thence
S. 67 degrees 21' 40" W.	a distance of 15 feet more or less to a point; thence
N. 51 degrees 03' 40" W.	a distance of 12 feet more or less to a drill hole in a concrete bound set in the westerly bank of the said Stillwater River; thence
N. 51 degrees 03' 40" W.	a distance of 427.20 feet to the point of beginning, the previous four (4) courses bounding on said Cutler land.

Containing 51.18 acres, more or less, as shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Sterling (Worcester County) Mass. - Land Taking Plan for Watershed Protection", prepared by Greenman-Pedersen, Inc., and dated June 29, 1990, which plan shall be recorded with the Worcester District Registry of Deeds and made a part of this order.

Being the same premises described as Tracts I and VI in a deed from Jacob S. Ciborowski, as trustee, to Monadnock Realty Corporation, dated August 8, 1972, and recorded with the Worcester District Registry of Deeds in Book 5258, Page 412.

Tract II:

Two certain parcels of land situated in the westerly part of said Sterling, being described as follows:

Parcel 1.

BEGINNING at the northeasterly corner of said parcel at land formerly of Smith;
THENCE S. 62 1/2 degrees W. 32 rods and 16 links to a corner at a pitch pine stump;
THENCE S. 23 1/4 degrees E. 145 rods 12 1/2 links to the road known as Greenland Road;
THENCE southerly by that road about 25 rods to a corner;
THENCE S. 67 degrees E. 41 rods by land now or formerly of Kelly to a corner at land formerly of Chandler;
THENCE N. 31 1/2 degrees 29 rods and 10 links to a white oak tree;
THENCE N. 32 degrees 52 rods and 6 links to a stake and stones at a corner;

THENCE S. 64 1/2 degrees W. 19 rods and 20 links to a pitch pine tree;
THENCE N. 19 1/2 degrees W. 13 rods to a stake at an angle;
THENCE N. 25 3/4 degrees W. 38 rods and 20 links to a stump at an angle;
THENCE N. 15 1/2 degrees E. 6 rods to a stake and stone at a corner;
THENCE N. 60 degrees W. 12 rods to the place of beginning, the last seven courses by land formerly of Chandler and by the meadow bottom.

Parcel 2.

BEGINNING at a point in the center of the road leading from Sterling Junction to the River Bridge, so-called;
THENCE N. 22 1/2 degrees W. to a stake and stones;
THENCE N. 57 degrees W. to the center of the road;
THENCE southeasterly by the centerline of said road to the place of beginning.

Being the same premises described as Tracts IV and V in said deed to Monadnock Realty Corporation, dated August 8, 1972, and recorded with said Deeds in Book 5258, Page 412, and containing approximately 56 acres, more or less, the more precise configuration of said premises being shown on a plan entitled "Commonealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Sterling (Worcester County) Massachusetts - Land Taking Plan for Watershed Protection", prepared by Merrimack Engineering Services, Inc., and dated June 28, 1991, which plan shall be recorded with said deeds and made a part of this order.

Tract III:

A certain parcel of land in said Sterling situated on the westerly side of town road known as Redemption Rock Trail Road and also as Route 140, and bounded and described as follows:

Beginning at a point on the westerly side of said Road at land now or formerly of Thomas; thence running

S. 65 degrees W. 19 rods and 12 links by land of said Thomas to a heap of stones; thence
S. 65 degrees W. 5 rods and 23 links by land of said Thomas to a stone on the north side of a brook; thence

Westerly	by said brook to the town line dividing the Town of Sterling and the Town of Princeton; thence
Northeasterly	by said town line to a town bound on the westerly side of said Road; thence
Southerly	by said Road to the point of beginning.

Containing 12 acres, more or less.

Being the same premises described in a deed from Nellie R. Thomas, et al, to Henry J. Ciborowski and Elaine M. Ciborowski, dated December 12, 1956, and recorded with said Deeds in Book 3830, Page 271, the more precise configuration of said premises being shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Protection - Sterling (Worcester County) Massachusetts - Land Taking Plan for Watershed Protection", prepared by Merrimack Engineering Services, Inc., and dated June 28, 1991, which plan shall be recorded with said Deeds and made a part of this order.

Tract IV:

A certain tract or parcel of land situated in the westerly part of said Sterling on Stillwater River, so-called, containing six acres and twenty-seven rods, more or less, and more particularly bounded and described as follows:

BEGINNING	at the mouth of Stillwater Brook, then up the river eighteen and one-quarter (18 1/4) rods;
THENCE	N. 50 degrees E. fourteen (14) rods to a pitch pine stump;
THENCE	S. 11 degrees W. two (2) rods to a pitch pine stump;
THENCE	S. 85 degrees E. thirty-one and one-half (31 1/2) rods to a chestnut tree;
THENCE	S. 2 degrees E. twenty-five (25) rods to the brook;
THENCE	by the brook thirty-six (36) rods to the place of beginning.

Being the same premises described as Tract VII in said deed to Monadnock Realty Corporation, dated August 8, 1972, and recorded with said Deeds in Book 5258, Page 412, the more precise configuration of said premises being shown on a plan entitled "Commonwealth of Massachusetts - Metropolitan District Commission - Division of Watershed Management - Sterling (Worcester County) Mass. - Land Taking Plan for Watershed Protection", prepared by Greenman-Pedersen, Inc.,

and dated June 28, 1991, which plan shall be recorded with said Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in the streets, roads and ways as referred to in the above descriptions which may be held by the supposed owners.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	TRACT NO.	AWARD
Henry J. Ciborowski, as Executor of the Estate of Jacob Ciborowski	I	$ 560,000.00
Henry J. Ciborowski, as Executor of the Estate of Jacob Ciborowski	II	215,000.00
Henry J. Ciborowski and Elaine M. Ciborowski	III	160,000.00
Henry J. Ciborowski, as Executor of the Estate of Jacob Ciborowski	IV	6,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $941,400.00, and a total payment of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $990,000.00.

1. Report of Mr. Gray, June 27, recommending that the Commission adopt an option to purchase and to approve the acquisition by purchase or eminent domain for approximately 115.5 acres of land owned by the Town of Shutesbury, Massachusetts, and located in said Town, for a purchase price or an award of damages in the amount of $83,800.00 and a total pament of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $90,000.00.
(Funding available under Section 3 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an option to purchase and to approve the acquisition by purchase or eminent domain for approximately 115.5 acres of land owned by the Town of Shutesbury, Massachusetts, and located in said Town, for a purchase price or an award of damages in the amount of $83,800.00 and a total pament of such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, not to exceed the amount of $90,000.00.

2. Report of Mr. Gray, June 27, recommending that the Commission adopt an option to purchase and to approve the acquisition by purchase or eminent domain for approximately one acre of land owned by Joseph Baglioni d/b/a/ Anthony's 3A Motel, located in Weymouth, Massachusetts, for a purchase price or an award of damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, in an amount to be determined, but which amount shall in no event exceed $400,000.00.
(Funding available under Section 32 of Chapter 564 of the Acts of 1987 - Open Space Bond).
The Commission V O T E D: to adopt an option to purchase and to approve the acquisition by purchase or eminent domain for approximately one acre of land owned by Joseph Baglioni d/b/a/ Anthony's 3A Motel, located in Weymouth, Massachusetts, for a purchase price or an award of damages and costs as required under General Laws, Chapter 79, Sections 6, 12, and 39, in an amount to be determined, but which amount shall in no event exceed $400,000.00.

The following matter was placed on the agenda for the information of the Commission:

3. The following schedules were approved for payment by the Commissioner during the period from June 10, 1991 to June 17, 1991.

Expenditures $337,666.51

Adjourned at 1:35 p.m. to meet on Thursday, July 11, 1991 at 10:00 a.m.

William F. Quatrale
Secretary